From: Mogler, Devin (Ernst) [Devin Mogler@ernst.senate.gov]

**Sent**: 10/17/2017 4:20:33 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Branstad, Eric (Federal)

[EBranstad@doc.gov]

Subject: RE: Ethanol

You bet Mandy! See you this afternoon.

Devin Mogler | Legislative Assistant U.S. Senator Joni Ernst | 111 Russell

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Tuesday, October 17, 2017 12:03 PM

To: Mogler, Devin (Ernst) <Devin\_Mogler@ernst.senate.gov>; Branstad, Eric (Federal) <EBranstad@doc.gov>

Subject: RE: Ethanol

Hi Devin,

Thanks for flagging this info. I'll be on the lookout for their meeting request when they are ready to share their analysis. We've heard from a couple of other stakeholders expressing similar concerns.

I look forward to seeing you this afternoon.

Best, Mandy

From: Mogler, Devin (Ernst) [mailto:Devin Mogler@ernst.senate.gov]

**Sent:** Tuesday, October 17, 2017 11:53 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Branstad, Eric (Federal) <EBranstad@doc.gov>

Subject: FW: Ethanol

Mandy and Eric,

Wanted to flag this for you – from our friends at the Canadian Embassy, regarding the potential for granting ethanol exports RIN credits.

Regards,

Devin Mogler | Legislative Assistant U.S. Senator Joni Ernst | 111 Russell

From: Michael.Hawkins@international.gc.ca [mailto:Michael.Hawkins@international.gc.ca]

Sent: Tuesday, October 17, 2017 10:16 AM

To: Mogler, Devin (Ernst) < Devin Mogler@ernst.senate.gov>

Subject: RE: Ethanol

Hi Devin – I have not had a chance yet to speak with EPA on this issue. We are doing some internal analysis first and hope to be in a position to engage with them later this week or next week. I can certainly confirm that our stakeholders in Canada are very concerned and have said that if such a proposal goes through they would likely need to initiate an investigation for trade remedy action (i.e., AD/CVD duties) with the Government of Canada.

Please let me know how the meeting goes later today and I'll keep you in the loop with our discussions with EPA.

Regards, Mike

#### Michael Hawkins

Counsellor (Agriculture) | Conseiller (agriculture)
Economic & Trade Policy | Politique commerciale et economique
michael.hawkins@international.gc.ca / Tel: 202-682-7787
Canadian Embassy | Ambassade du Canada
501 Pennsylvania Avenue, NW
Washington, DC 20001

From: Branstad, Eric (Federal) [EBranstad@doc.gov]

**Sent**: 10/17/2017 4:06:20 PM

To: Mogler, Devin (Ernst) [Devin\_Mogler@ernst.senate.gov]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Re: Ethanol

Thanks so much for this. I have ag meeting at WH at 1

Sent from my iPhone

On Oct 17, 2017, at 11:53 AM, Mogler, Devin (Ernst) < <u>Devin Mogler@ernst.senate.gov</u>> wrote:

Mandy and Eric,

Wanted to flag this for you – from our friends at the Canadian Embassy, regarding the potential for granting ethanol exports RIN credits.

Regards,

Devin Mogler | Legislative Assistant U.S. Senator Joni Ernst | 111 Russell

From: Michael.Hawkins@international.gc.ca [mailto:Michael.Hawkins@international.gc.ca]

Sent: Tuesday, October 17, 2017 10:16 AM

To: Mogler, Devin (Ernst) < Devin Mogler@ernst.senate.gov >

Subject: RE: Ethanol

Hi Devin – I have not had a chance yet to speak with EPA on this issue. We are doing some internal analysis first and hope to be in a position to engage with them later this week or next week. I can certainly confirm that our stakeholders in Canada are very concerned and have said that if such a proposal goes through they would likely need to initiate an investigation for trade remedy action (i.e., AD/CVD duties) with the Government of Canada.

Please let me know how the meeting goes later today and I'll keep you in the loop with our discussions with EPA.

Regards, Mike

Michael Hawkins

Counsellor (Agriculture) | Conseiller (agriculture)
Economic & Trade Policy | Politique commerciale et economique
michael.hawkins@international.gc.ca / Tel: 202-682-7787
Canadian Embassy | Ambassade du Canada
501 Pennsylvania Avenue, NW
Washington, DC 20001

From: Ryan Cunius [rcunius@capitolhillcg.com]

**Sent**: 9/25/2017 9:21:33 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: David Jory [djory@capitolhillcg.com]; 'Patterson, Ashley' [apatterson@ameresco.com]

Subject: Ameresco Meeting Request

#### Mandy,

My boss, David Jory, President of Capitol Hill Consulting Group, would like to request a meeting with you on behalf of Ameresco. They would like to discuss the 2018 RVO with you and will have the chief counsel of the Renewable Natural Gas Coalition in town to join the discussion as well. We are looking to meet on October 4<sup>th</sup> or 5<sup>th</sup>. Hope to hear back from you soon!

#### Best,

Ryan Cunius Legislative Assistant



Capitol Hill Consulting Group Government Relations Professionals 499 S. Capitol Street, SW Suite 608 Washington, DC 20003

Cell: (813) 713-5062 Office: (202) 488-0101 Web: <u>capitolhillcg.com</u>





From: Troutman Sanders LLP [Events@troutman.com]

**Sent**: 9/28/2017 7:26:34 PM

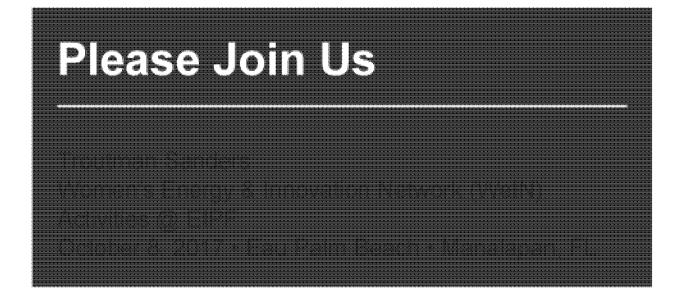
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: Join Troutman Sanders at our 2017 WelN Events @ EIPF - 10/8

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From: ExxonMobil [exxonmobil.dc.vicepresident=exxonmobil.com@mail204.suw14.mcdlv.net]

on behalf of ExxonMobil [exxonmobil.dc.vicepresident@exxonmobil.com]

**Sent**: 9/25/2017 1:38:51 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: ExxonMobil Expands Methane Emissions Reduction Program

View email in your browser



September 25, 2017

Dear Amanda,

Today, ExxonMobil announced an enhanced program to reduce methane emissions from its production and midstream facilities across the United States.

The program, builds on ExxonMobil's <u>longstanding commitment to emissions</u> <u>management</u>, prioritizes actions at sites operated by subsidiary XTO Energy and includes efforts to develop and deploy new, more efficient technologies to

detect and reduce facility emissions.

"We are implementing an enhanced leak detection and repair program across our production and midstream sites to continually reduce methane emissions, and are also evaluating opportunities to upgrade facilities and improve efficiency at both current and future sites," said XTO president Sara Ortwein. "Our comprehensive initiative is underscored by a technology research and testing effort, and

in enhanced
ir program
ind
nually reduce
d are also
to upgrade
ficiency at
sites," said
wein. "Our
is
ology
ort, and
ing, equipment phase out and facility design

includes personnel training, equipment phase out and facility design improvements."

XTO's efforts also include research conducted with ExxonMobil Upstream Research Company and third-party equipment manufacturers to continue development of more efficient, state-of-the-art equipment to detect, quantify and reduce emissions at production sites. These research efforts build on an extensive portfolio of more than two dozen existing methane research projects and pilots already under way.

As part of the company's efforts to better understand the magnitude and characteristics of oil and gas industry-related methane emissions, ExxonMobil participated in studies conducted by the University of Texas and Environmental Defense Fund.

ExxonMobil remains active in ongoing methane research, including

participation in a methane measurement reconciliation study with the Department of Energy's National Renewable Energy Laboratory, and in supporting research currently underway at Harvard, the University of Texas Energy Initiative, and Stanford University's Natural Gas Initiative.

If you are interested in more information, please feel free to <u>contact me by</u> <u>clicking here</u> or visit the <u>Energy Factor</u> to learn more.

Sincerely,

Gantt Walton
Vice President, Washington Office
Exxon Mobil Corporation

#### Our mailing address is:

ExxonMobil 2020 K St NW Washington, DC 20006

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## Outline of Major EPA Roadblocks to Greenfield Refinery or Major Refinery Expansion

#### 1. Clean Air Act

- a. New Source Review: A major regulatory hurdle for a new refinery or major refinery expansion is receiving a new source review (NSR) permit prior to the commencement of construction. A major criticism of the permitting process is that it is long, costly and unpredictable. Depending on the location of the project there are two potential kinds of NSR permits. A prevention of significant deterioration (PSD) permit is required for any area in attainment or unclassified for a National Ambient Air Quality Standards (NAAQS). A Nonattainment New Source Review (NNSR) permit is required for any area in nonattainment for a NAAQS. We briefly discuss each in turn below:
  - i. **PSD Permitting** there are three major components of PSD permitting BACT determination, GHG BACT determination and Modeling. Streamlining these processes should be a priority.
    - 1. **Best Available Control Technology (BACT) determination:** BACT is a stringent emission limitation for each pollutant subject to regulation under the Clean Air Act. The BACT limit is determined by the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs. Because the determination is case-by-case, the final decision is highly dependent on the expertise and beliefs of the person processing the permit. This makes the process highly unpredictable. There are several other layers of review that add additional uncertainty. For instance after the state determines BACT, the U.S. EPA often reviews and can add additional requirements. Subsequently, NGOs often sue for judicial review of the determinations. This process is very costly and can last many years during which time the applicant must delay construction of the facility.
    - 2. **Greenhouse Gas (GHG) BACT:** The same process exists for determination of BACT for GHG emissions. If another pollutant triggers PSD permitting, an applicant is also required to determine BACT for GHGs.
    - 3. **Modeling:** An applicant that triggers PSD permitting must also model that the project does not cause or contribute to a NAAQS exceedances. As EPA has continued to make NAAQS more stringent, the accuracy of the models has not kept pace. EPA's models have been shown to consistently over-predict emissions impacts when compared to monitored values. Modeling requires hiring specific expertise to complete and also is highly dependent on negotiating with the state and EPA modeling staff on modeling inputs. Applicants will often accept limits that go beyond BACT in order to pass modeling demonstrations even though they do not believe the models to be accurate.
  - ii. **NNSR Permitting:** The two major hurdles to NNSR permitting are Lowest Achievable Emissions Rate (LAER) and emissions offsets.
    - 1. **LAER determination:** Similar to BACT determination, a LAER determination is made on a case-by-case basis but does not consider costs. Obtaining the permitting agency's approval of final LAER involves a lengthy negotiation, which makes the process unpredictable and very costly.
    - 2. **Offsets:** In nonattainment areas major emission increases must be offset by reducing emissions elsewhere. Finding offsets for the emissions that would result from

{454363.DOCX }

construction of a new refinery would be very difficult, if not impossible, because there may not be enough offsets available or, if available, could be too costly.

#### 2. Clean Water Act

- **a. Water Quality Based Effluent Limits (WQBELs):** Refineries must employ Best Available Technology (BAT) to address local water quality issues to ensure protection of water quality. This is highly dependent on where the refinery is located and into what water bodies the refinery will be discharging.
- **b. Refinery Effluent Limit Guidelines (ELGs):** In addition to WQBELs, EPA has adopted minimum technology standards that apply to all refineries. EPA is currently reviewing these standards to determine whether to reopen and make them more stringent. With the WQBELs driving investment where needed to address actual water quality concerns, making the ELGs more stringent would be a major hurdle to a new build because it will drive up the cost unnecessarily.
- **c. Section 401/404 Permits:** If a water body meeting the definition of "waters of the United States" will be impacted by the refinery construction, a Section 404 permit and Section 401 water quality certification will be required.
- **3.** Endangered Species Act The project could require a takings permit under the Endangered Species Act (ESA). This is a significant hurdle and is an important due diligence consideration when determining where to site a major facility. ESA determinations are often subject to petitions for review by NGOs in the federal courts.

### 4. Risk Management Plan (RMP) -

**a. Safer Technology and Alternatives Analysis (STAA)** – the RMP amendments, which are currently delayed, require the analysis and documentation of safer alternatives than the technologies being implemented. In the case of a new refinery, the documentation requirements would be extremely burdensome because there are usually several kinds of technologies available and the owner would need to document that it had analyzed each option.

### 5. National Environmental Policy Act (NEPA)

- **a.** A new refinery could trigger a requirement to conduct an environmental assessment (EA) and/or an environmental impact statement (EIS). The EA and EIS are performed by the agency and can take several months, if not longer, to complete. This process also triggers consideration of preservation of historic resources and tribal resources that are not environmental issues.
- **b.** A major issue under NEPA is the consideration of climate-related impacts using the social cost of carbon. Projects triggering NEPA potentially must determine climate-related impacts of foreseeable indirect GHG emissions. In the case of a new refinery, this analysis could require determining the GHG emissions from the fuels that will be produced and placed into commerce.

**Note:** Each of the requirements have public participation requirements or other means in which the public can object to the permit or agency approval and halt construction until the objection is resolved. Even if the lawsuits are not meritorious, applicants may choose to concede issues because litigating would delay the project. It is important that the permitting authorities and the applicants document the bases of the permit decisions so that the permits cannot be attacked on technicalities.

From: Webb, C. Flint [C.FLINT.WEBB@leidos.com]

10/2/2017 6:09:30 PM Sent:

Stephanie Glyptis [SGlyptis@AWMA.ORG]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative To:

Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,];

wwehrum@hunton.com; Cindy Fontanesi [CFontanesi@AWMA.ORG]; Gunasekara, Mandy

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; jcmuffat

[icmuffat@vahoo.com]

CC: Tracy Fedkoe [TFedkoe@AWMA.ORG]; cnelson [cnelson@mmm.com]; michele.gehring@coterie-env.com

Subject: RE: (UPDATE) RE: Climate Change Keynote Mandy

Thank you for taking care of this!

Flint Webb, P.E.

C.Flint.Webb@Leidos.com

Baltimore-Washington Chapter: Vice Chair

Technical Council: Climate Change Division Vice Chair

Finding Common Ground on Climate Change Mitigation and Adaptation:

General Conference Chair

South Atlantic States Section: Director

Air & Waste Management Association Work: 571-526-7706

cell: 703-582-8094

----Original Message----

From: Stephanie Glyptis [mailto:SGlyptis@AWMA.ORG]

Sent: Monday, October 02, 2017 2:04 PM

To: dominguez.alexander@epa.gov; wwehrum@hunton.com; Cindy Fontanesi; Gunasekara.Mandy@epa.gov; jcmuffat;

Webb, C. F. [US-US]

Cc: Tracy Fedkoe; cnelson; michele.gehring@coterie-env.com

Subject: EXTERNAL: (UPDATE) RE: Climate Change Keynote Mandy

Importance: High

Flint et al ~

I just spoke with Alexander Dominguez from Mandy's office. They have worked within their offices, and Samantha Dravis, Associate Administrator of EPA's Office of Policy, will be stepping in to speak as the

Ms. Dravis' Chief of Staff will be in touch with Cindy and me (Alex will be connecting us) and we'll work to get all the information updated on our end (i.e., website, promotions, final program).

My sincerest thanks to you and Ms. Gunasekara's office for working so diligently with us on our Keynote speaker even with Mandy's schedule change. On behalf of the Association we truly appreciate EPA's support and participation.

All the best, Stephanie

Stephanie M. Glyptis Executive Director

Air & Waste Management Association 420 Fort Duquesne Boulevard

One Gateway Center, Third Floor Pittsburgh, Pennsylvania 15222 USA Phone: 412.232.3444 (x6006)

Direct: 412.904.6006 Fax: 412.232.3450 sqlyptis@awma.org

www.awma.org

----Original Message----

From: Webb, C. Flint [mailto:C.FLINT.WEBB@leidos.com]

Sent: Monday, October 02, 2017 12:08 PM
To: Dominguez, Alexander <a href="mailto:kontober-alexander@epa.gov">dominguez.alexander@epa.gov</a>

```
Cc: William L. Wehrum <wwehrum@hunton.com>: Cindy Fontanesi <CFontanesi@AWMA.ORG>: Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov>; jcmuffat <jcmuffat@yahoo.com>
Subject: RE: EXTERNAL: A&WMA's Conference "Finding Common Ground on Climate Change Mitigation and
Adaption" Scheduled for October 10th and 11th in Arlington VA
Alex, What can we do to resolve the scheduling issue? Do we need to find a last minute replacement? It
is probably too late to reflect the change in the Final Program.
Flint Webb, P.E.
C.Flint.Webb@Leidos.com
Baltimore-Washington Chapter: Vice Chair Technical Council: Climate Change Division Vice Chair Finding
Common Ground on Climate Change Mitigation and Adaptation:
      General Conference Chair
South Atlantic States Section: Director
Air & Waste Management Association
Work: 571-526-7706
Cell: 703-582-8094
----Original Message----
From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Monday, October 02, 2017 11:59 AM
To: Webb, C. F. [US-US]; Dominguez, Alexander
Cc: William L. Wehrum; cfontanesi@awma.org
Subject: Re: EXTERNAL: A&WMA's Conference "Finding Common Ground on Climate Change Mitigation and
Adaption" Scheduled for October 10th and 11th in Arlington VA
I have a scheduling issue on the 10th that needs to be worked out. I apologize. Please work with Alex
Sent from my iPhone
> On Oct 2, 2017, at 11:49 AM, Webb, C. Flint <C.FLINT.WEBB@leidos.com> wrote:
 Thank you for stepping up to keynote our conference at the at the DoubleTree hotel at 300 Army Navy
Drive, Arlington, VA, October 10th. As General Conference Chair, I will have the honor of introducing
you and I wanted to go over a few things ahead of time.
> Bio: Please provide me with a brief bio for me to use to introduce you. How do you want us to show
your name in the program?
      1) Amanda (Mandy) Gunasekara, Senior Policy Advisor to the Administrator for the Office of Air and
Radiation, U.S. EPA
      2) Amanda Gunasekara, ...
      3) Mandy Gunasekara, ...
> Speaker's Breakfast: There will be a speaker's Breakfast. There is a Presenter's Breakfast 7:30-8:30 am. There will be tables set up for each conference session. I will be at the Climate Communication
Panel Session table. I would recommend that you come to the Breakfast so you can find out about any
last-minute changes. You can also check the web site https://www.awma.org/content.asp?admin=Y&contentid=311 for the final program.
> Presentation: Pleas provide me with your PowerPoint presentation and I will load it onto the computer
for presentation.
> Schedule: After the Presenter's Breakfast at 8:30-8:40 am I am scheduled to make a few welcoming
remarks after which I will introduce you. Please try to keep your presentation to 20-30 minutes so there is adequate time for questions and answers. I will give you 5, 3 and 2 minute warning using hand
signals. After your presentation I will thank you and introduce Clara Poffenberger who will then introduce the Climate Policy Update Panel. Our understanding is that you will not be able to join us on the panel, but if that is correct let me know and we can include you on the panel. The panel is
scheduled to run from 9:10-10:10 am.
> If you have ANY questions please don't hesitate to contact me or Cindy Fontanesi (copied on this e-
mail). Cindy is our conference planner.
> See you on the 10th!
> Flint Webb, P.E.
> C.Flint.Webb@Leidos.com
> Baltimore-Washington Chapter: Vice Chair Technical Council: Climate
> Change Division Vice Chair Finding Common Ground on Climate Change
> Mitigation and Adaptation:
       General Conference Chair
> South Atlantic States Section: Director Air & Waste Management
> Association
> Work: 571-526-7706
> Cell: 703-582-8094
```

> -----Original Message---> From: Jeffry Muffat [mailto:jcmuffat@yahoo.com]
> Sent: Thursday, September 14, 2017 8:08 AM
> To: gunasekara.mandy@epa.gov
> Cc: William L. Wehrum; cfontanesi@awma.org
> Subject: EXTERNAL: A&wMA's Conference "Finding Common Ground on
> Climate Change Mitigation and Adaption" Scheduled for October 10th and
> 11th in Arlington VA
>
> Mandy:
> Thank you so much for agreeing to Keynote A&wMA's Conference on Climate Change. The Conference is scheduled for Oct 10-11, 2017 in Arlington, VA and promises to be a great opportunity to exchange meaningful information on the current thinking relative to climate change and how we can mitigate any adverse effects and adapt to the potential consequences. The Association values EPA's thinking and is excited to provide the forum for discussion to our membership and other parties involved in the discussion.
> Bill Wehrum said that you planned to check with Administrator Pruitt one last time to see if he was available to Keynote and it would be great if he wanted to speak. However, our intent at this time is to list you in the Program at the Keynoter and then to send out a special mailing/notice announcing Administrator Pruitt as the Keynoter should he decide to speak.
>

> Cindy Fontanesi from A&WMA Headquarters in Pittsburgh will be in touch with you today to work out the

- > Again, thank you so much for agreeing to speak at our upcoming Conference.
- > Jeff Muffat

details.

> Retired Manager of 3M Environmental Reg Affairs Treasurer of Air & Waste Management Association .

From: David Friedman [david.friedman@consumer.org]

**Sent**: 9/20/2017 6:38:47 PM

To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Gunasekara, Mandy

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Shannon Baker-Branstetter [sbaker-branstetter@consumer.org]

Subject: Re: Thank you and follow up from meeting with Consumers Union

Attachments: Hill Letter for HD Trucks Fuel Economy.pdf

With apologies, please see attached updated letter which corrects for a copy and paste error in Attachment A. No other changes were made to the letter contents.

On Wed, Sep 20, 2017 at 12:53 PM, David Friedman < <u>david.friedman@consumer.org</u>> wrote: Hello Brittany and Mandy,

In the spirit of keeping up lines of communication, I wanted to let you know that Consumer Reports today released the results of its fuel economy testing for heavy-duty pickups.

As part of that piece, I called on EPA and NHTSA to make fuel economy, emissions, and fueling costs public to help consumers. I've also sent a letter to the authorizing and appropriating committees encouraging them to provide EPA and NHTSA with the funding needed to help get the information out, including through window stickers, and to improve its accuracy.

Here is the link to the story: <a href="https://www.consumerreports.org/pickup-trucks/heavy-duty-pickup-truck-fuel-economy/">https://www.consumerreports.org/pickup-trucks/heavy-duty-pickup-truck-fuel-economy/</a>

The letter is attached.

Please let us know if you have any questions.

Sincerely,

David

On Thu, Aug 3, 2017 at 1:59 PM, David Friedman < <u>david.friedman@consumer.org</u>> wrote: Brittany and Mandy,

Thank you from me as well. Please let us know if you have any questions going forward.

Regards,

David

David Friedman

202-489-1842

On Thu, Aug 3, 2017 at 1:45 PM, Shannon Baker-Branstetter < <u>sbaker-branstetter@consumer.org</u>> wrote: Brittany and Mandy,

Thank you again for taking the time to meet with Consumers Union, Consumer Federation of America, Ceres and ACEEE earlier this week. We appreciated the chance to share our perspectives and learn more about EPA's plans for soliciting stakeholder input into the rulemaking and comment proceedings on

greenhouse gas standards for light-duty vehicles. Please see below for materials on our reports and surveys for your consideration, which we will also include in the public docket(s) moving forward. Thank you again for your time, and we look forward to speaking with you and your team again as your efforts continue.

Sincerely, Shannon Baker-Branstetter

#### **Fact Sheet on Fuel Economy**

# Report Summaries Affordability Report Owner Satisfaction Consumer Savings Survey results

--

Shannon Baker-Branstetter
Senior Policy Counsel, Energy and Environment
Consumers Union, Policy and Action from Consumer Reports
1101 17th Street, NW, Suite 500
Washington, DC 20036

office: 202.462.6262 direct: 202.238.9253 cell: 571.225.8128 Twitter: @SBB\_CU

www.ConsumersUnion.org/energy

\*\*\*

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\* \* \*

### **ConsumersUnion**

#### POLICY & ACTION FROM CONSUMER REPORTS

September 20, 2017

Hon. Thad Cochran, Chairman Hon. Patrick J. Leahy, Ranking Member U.S. Senate Committee on Appropriations Room S-128, The Capitol Washington, D.C. 20510

Hon. John R. Thune, Chairman Hon. Bill Nelson, Ranking Member U.S. Senate Committee on Commerce, Science, and Transportation 512 Dirksen Senate Building Washington D.C. 20510 Hon. Susan M. Collins, Chairman Hon. Jack F. Reed, Ranking Member U.S. Senate Committee on Environment and Public Works 410 Dirksen Senate Office Building Washignton, D.C. 20510

Dear Chairman Cochran, Chairman Thune, Chairman Collins, Ranking Member Leahy, Ranking Member Nelson, and Ranking Member Reed:

Consumers Union, the policy and mobilization division of Consumer Reports, writes to urge you to authorize and appropriate additional funds to the National Highway Traffic Safety Administration (NHTSA) and the Environmental Protection Agency (EPA) to make fuel economy, emissions, and fuel cost information publicly available for heavy-duty pickup trucks.

Based on new data from testing at Consumer Reports,<sup>1</sup> these heavy-duty diesel pickups cost about \$35,000 to fuel over the first 15 years of the vehicles' lives.<sup>2</sup> Further, they can cost \$7,000 to \$10,000 more to fuel than their light-duty gasoline counterparts over that same time.<sup>2</sup> Without information like this, consumers are powerless to make informed decisions when shopping for these vehicles for their businesses or family.

While new light-duty trucks and passenger vehicles carry window sticker labels that display important consumer information about the vehicle's fuel economy, emissions, and expected average fuel costs, no such label is available for heavy-duty pickup trucks. Further, consumers can easily find light-duty vehicle fuel economy information online at fueleconomy.gov thanks to the public availability of the information. Easy access to information NHTSA and EPA already

<sup>&</sup>lt;sup>1</sup> Consumer Reports. Heavy Duty Pickup Truck Fuel Economy Numbers You Can't Find Anywhere Else. September 20, 2017. Available at: <a href="https://www.consumerreports.org/pickup-trucks/heavy-duty-pickup-truck-fuel-economy/">https://www.consumerreports.org/pickup-trucks/heavy-duty-pickup-truck-fuel-economy/</a>

<sup>&</sup>lt;sup>2</sup> See Attachment A for details and methodology.

have for heavy-duty pickups would empower consumers to consider the cost of fueling their vehicles alongside other attributes. It would also encourage competition on fuel economy among automakers.

When I was the Deputy and Acting Administrator of NHTSA, I recognized the value of public fuel economy information and the benefits it would provide in the heavy-duty truck market, which covers annual sales of hundreds of thousands of vehicles. However, when we were looking to fulfill NHTSA and EPA's intention to consider consumer information as we developed the next round of standards,<sup>3</sup> there was insufficient funding at the agency to dedicate the staff and resources needed.<sup>4</sup>

As NHTSA continues to work on fuel economy standards for light-duty vehicles for MY 2022-2025, which are very important to consumers,<sup>5</sup> resources for expanding public availability of the data likely remain tight. We therefore encourage the authorizing and appropriating committees to dedicate sufficient new funding to NHTSA and EPA programs with the express purpose of making fuel economy information for heavy-duty pickup trucks publically available and more accurate, first through fueleconomy.gov and then through a label affixed to the window. Thank you for your consideration.

Sincerely,

David Friedman

Director of Cars and Product Policy and Analysis

Consumers Union

202-462-6262

CC:

Members of the U.S. Senate Committee on Appropriations

Members of the U.S. Senate Committee on Commerce, Science, and Transporation

Members of the U.S. Senate Committee on Environment and Public Works

<sup>3</sup> As stated in the 2011 rulemaking establishing the first-ever fuel efficiency and greenhouse gas standards for medium- and heavy-duty vehicles. Federal Register, Vol. 76 Thursday, No. 179, September 15, 2011.

<sup>&</sup>lt;sup>4</sup> While the 2011 Senate Appropriations report directed the Department of Transportation to prioritize a rulemaking for heavy-duty pickup fuel economy labels, additional funds were not provided to do so. Senate Report 112–83 for "Transportation and Housing and Urban Development, and Related Agencies Appropriations Bill, 2012," September 21, 2011, at 63, accessed at

https://www.congress.gov/112/crpt/srpt83/CRPT-112srpt83.pdf on September 18, 2017.

<sup>&</sup>lt;sup>5</sup> Consumer Reports' June 2017 public survey show that 73% of the American public support the U.S. government setting strong fuel economy standards and enforcing them.

### Attachment A: Fuel Economy Results and Fuel Cost Estimates Based on Consumer Reports' Testing Data

Heavy-Duty Pickups	Engine	Overall mpg <sup>6</sup>	Fuel Costs for First 12,000 miles of Ownership <sup>7</sup>	Fuel Costs for First 15 Years <sup>8</sup>
Chevrolet Silverado 2500HD LTZ	6.6-liter V8 turbodiesel (445 hp)	14	\$2,125	\$35,541
Ford F-250 Lariat	6.7-liter V8 turbodiesel (440 hp)	15	\$2,055	\$34,324
GMC Sierra 2500HD	6.6-liter V8 turbodiesel (445 hp)	14	\$2,125	\$35,541
Nissan Titan XD SV	5.0-liter V8 turbodiesel (310 hp)	15	\$1,995	\$33,187
Ram 2500 Laramie	6.7-liter 6 turbodiesel (370 hp)	14	\$2,210	\$36,847
Chevrolet Silverado 1500 LT	5.3-liter V8 gasoline (355 hp)	16	\$1,780	\$25,235
Ford F-150 XLT	2.7-liter V6 turbo gasoline (325 hp)	17	\$1,740	\$24,627
Ford F-150 XLT	3.5 V6 turbo gasoline (375 hp)	16	\$1,790	\$25,392
GMC Sierra 1500	5.3-liter V8 gasoline (355 hp)	16	\$1,780	\$25,235
Nissan Titan SV	5.6-liter V8 gasoline (390 hp)	16	\$1,855	\$26,375
Ram 1500 Big Horn	5.7-liter V8 gasoline (395 hp)	15	\$1,965	\$27,810
Ram 1500 Big Horn	3.0-liter V6 turbodiesel (240 hp)	20	\$1,490	\$24,932

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<sup>&</sup>lt;sup>6</sup> Consumer Reports performs its own fuel-economy tests, independent of the government's often-quoted EPA figures and the manufacturers' claims. Using a precise fuel-flow measuring device spliced into the fuel line, Consumer Reports tests run on two separate circuits. One is on a public highway at a steady 65 mph. That course is run in both directions to counteract any terrain and wind effects. A second is a simulated urban/suburban-driving test done at the Consumer Reports auto test track. It consists of predetermined acceleration, and deceleration rates, as well as idle time. Consumer Reports' overall fuel-economy numbers are derived from those fuel consumption tests. More information about Consumer Reports testing can be found at: <a href="mailto:cr.org/autotest">cr.org/autotest</a>.

Assuming \$2.50 per gallon of diesel and \$2.40 per gallon of regular unleaded gasoline.

Assuming nearly 174,000 miles over the first 15 years of ownership, based on vehicle miles traveled data from Figure VI-6 in Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2, published in Federal Register Vol. 81, No. 206, Tuesday, October 25, 2016, Page 73764. Assumes a 3% real discount rate consistent with a 5% new car loan and 2% inflation. Diesel and gasoline prices based on EIA's Annual Energy Outlook available at <a href="https://www.eia.gov/outlooks/aeo/">https://www.eia.gov/outlooks/aeo/</a> as of 9/18/2017 (EIA forecasts that, over the next 15 years, diesel prices will vary from \$2.90-\$3.86 and gasoline prices will vary from \$2.26-\$3.11). Fuel expenses while towing or carrying a payload will likely be higher than indicated by CR's tests, while the cost differential will vary depending on the vehicle.

### **ConsumersUnion**

#### POLICY & ACTION FROM CONSUMER REPORTS

September 20, 2017

Hon. Rodney P. Frelinghuysen , Chairman Hon. Nita M. Lowrey, Ranking Member House Committee on Appropriations Room H-305, The Capitol Washington, DC 20515

Hon. Greg Walden, Chairman Hon. Frank Pallone, Jr., Ranking Member House Energy and Commerce Committee 2125 Rayburn House Office Building Washington, D.C. 20515 Hon. Bill Shuster, Chairman
Hon. Peter A. DeFazio, Ranking Member
House Transportation and Infrastructure
Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Frelinghuysen, Chairman Walden, Chairman Shuster, Ranking Member Lowey, Ranking Member Pallone, and Ranking Member DeFazio:

Consumers Union, the policy and mobilization division of Consumer Reports, writes to urge you to authorize and appropriate additional funds to the National Highway Traffic Safety Administration (NHTSA) and the Environmental Protection Agency (EPA) to make fuel economy, emissions, and fuel cost information publicly available for heavy-duty pickup trucks.

Based on new data from testing at Consumer Reports,<sup>1</sup> these heavy-duty diesel pickups cost about \$35,000 to fuel over the first 15 years of the vehicles' lives.<sup>2</sup> Further, they can cost \$7,000 to \$10,000 more to fuel than their light-duty gasoline counterparts over that same time.<sup>2</sup> Without information like this, consumers are powerless to make informed decisions when shopping for these vehicles for their businesses or family.

While new light-duty trucks and passenger vehicles carry window sticker labels that display important consumer information about the vehicle's fuel economy, emissions, and expected average fuel costs, no such label is available for heavy-duty pickup trucks. Further, consumers can easily find light-duty vehicle fuel economy information online at fueleconomy.gov thanks to the public availability of the information. Easy access to information NHTSA and EPA already have for heavy-duty pickups would empower consumers to consider the cost of fueling their

<sup>&</sup>lt;sup>1</sup> Consumer Reports. *Heavy Duty Pickup Truck Fuel Economy Numbers You Can't Find Anywhere Else.* September 20, 2017. Available at: <a href="https://www.consumerreports.org/pickup-trucks/heavy-duty-pickup-truck-fuel-economy/">https://www.consumerreports.org/pickup-trucks/heavy-duty-pickup-truck-fuel-economy/</a>

<sup>&</sup>lt;sup>2</sup> See Attachment A for details and methodology.

vehicles alongside other attributes. It would also encourage competition on fuel economy among automakers.

When I was the Deputy and Acting Administrator of NHTSA, I recognized the value of public fuel economy information and the benefits it would provide in the heavy-duty truck market, which covers annual sales of hundreds of thousands of vehicles. However, when we were looking to fulfill NHTSA and EPA's intention to consider consumer information as we developed the next round of standards,<sup>3</sup> there was insufficient funding at the agency to dedicate the staff and resources needed.<sup>4</sup>

As NHTSA continues to work on fuel economy standards for light-duty vehicles for MY 2022-2025, which are very important to consumers,<sup>5</sup> resources for expanding public availability of the data likely remain tight. We therefore encourage the authorizing and appropriating committees to dedicate sufficient new funding to NHTSA and EPA programs with the express purpose of making fuel economy information for heavy-duty pickup trucks publically available and more accurate, first through fueleconomy.gov and then through a label affixed to the window. Thank you for your consideration.

Sincerely,

David Friedman,

Director of Cars and Product Policy and Analysis

Consumers Union

202-462-6262

CC:

Members of the U.S. House Committee on Appropriations

Members of the U.S. House Energy and Commerce Committee

Members of the U.S. House Transportation and Infrastruture Committee

<sup>&</sup>lt;sup>3</sup> As stated in the 2011 rulemaking establishing the first-ever fuel efficiency and greenhouse gas standards for medium- and heavy-duty vehicles. Federal Register, Vol. 76 Thursday, No. 179, September 15, 2011.

<sup>&</sup>lt;sup>4</sup> While the 2011 Senate Appropriations report directed the Department of Transportation to prioritize a rulemaking for heavy-duty pickup fuel economy labels, additional funds were not provided to do so. Senate Report 112–83 for "Transportation and Housing and Urban Development, and Related Agencies Appropriations Bill, 2012," September 21, 2011, at 63, accessed at

https://www.congress.gov/112/crpt/srpt83/CRPT-112srpt83.pdf on September 18, 2017.

<sup>&</sup>lt;sup>5</sup> Consumer Reports' June 2017 public survey show that 73% of the American public support the U.S. government setting strong fuel economy standards and enforcing them.

### Attachment A: Fuel Economy Results and Fuel Cost Estimates Based on Consumer Reports' Testing Data

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Ford F-150 XLT	2.7-liter V6 turbo gasoline (325 hp)	17	\$1,740	\$24,627
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 $<sup>^\</sup>prime$  Assuming \$2.50 per gallon of diesel and \$2.40 per gallon of regular unleaded gasoline.

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From: Kuoh, Dika [Dika.Kuoh@dnr.ga.gov]

**Sent**: 9/25/2017 12:57:47 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Hays, Karen [Karen.Hays@dnr.ga.gov]

Subject: RE: Ozone

Thanks Mandy. Karen (Chief of Air Protection Branch) and I will call you this morning. Does 10am work?

Dika Kuoh
Assistant Branch Chief
Air Protection Branch
Georgia Environmental Protection Division
(o) 404-363-7115 | (c) 404-

----Original Message----

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Thursday, September 21, 2017 11:35 AM

To: Kuoh, Dika Subject: Ozone

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To follow up on the question regarding ozone, please give me a call.

Personal Phone / Ex. 6

Best, Mandy

Sent from my iPhone

From: Andrew Schwartz [aschwartz@csis.org]

**Sent**: 9/27/2017 7:45:05 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: New Kremlin Playbook Podcast

A new miniseries exploring Russian interference in the 2016 presidential election.

Email not displaying correctly? View it in your browser.



Contact H. Andrew Schwartz | 202.775.3242 | aschwartz@csis.org

Dear Colleague,

This week, CSIS released "The Kremlin Playbook," a new podcast miniseries exploring Russian interference in the 2016 presidential election. This three-part, narrative series is the first of its kind for CSIS.

Building on the October 2016 CSIS report The Kremlin Playbook, coauthored by CSIS senior vice president Heather Conley, the series explores how influence techniques honed in central and eastern European democracies were brought to bear on the biggest stage of all—the U.S. presidential election.

The series is being featured on Apple Podcasts all this week. Listen to episode one: "Why Did Russia Do It?"

To Substitute and Adaptive. With the force case, a reside that the finders to make an adaptive.	
Sincerely,	
Andrew	
H. Andrew Schwartz	
Chief Communications Officer, CSIS	
#	<del>!##</del>

The Center for Strategic and International Studies (CSIS) is a bipartisan, nonprofit organization founded in 1962 and headquartered in Washington, D.C. It seeks to advance global security and prosperity by providing strategic insights and policy solutions to decisionmakers.



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202-887-0200 | www.CSIS.org

Center for Strategic & International Studies 1616 Rhode Island Avenue, NW Washington, DC 20036

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Update preferences Unsubscribe gunasekara.mandy@epa.gov from this list.

From: Stephanie Glyptis [SGlyptis@AWMA.ORG]

10/2/2017 6:03:38 PM Sent:

Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group To:

> (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; wwehrum@hunton.com; Cindy Fontanesi [CFontanesi@AWMA.ORG]; Gunasekara, Mandy

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; jcmuffat

[jcmuffat@yahoo.com]; C.FLINT.WEBB@leidos.com

CC: Tracy Fedkoe [TFedkoe@AWMA.ORG]; cnelson [cnelson@mmm.com]; michele.gehring@coterie-env.com

(UPDATE) RE: Climate Change Keynote Mandy Subject:

Importance: High

Flint et al ~

I just spoke with Alexander Dominguez from Mandy's office. They have worked within their offices, and Samantha Dravis, Associate Administrator of EPA's Office of Policy, will be stepping in to speak as the Keynote.

Ms. Dravis' Chief of Staff will be in touch with Cindy and me (Alex will be connecting us) and we'll work to get all the information updated on our end (i.e., website, promotions, final program).

#### Alex.

My sincerest thanks to you and Ms. Gunasekara's office for working so diligently with us on our Keynote speaker even with Mandy's schedule change. On behalf of the Association we truly appreciate EPA's support and participation.

All the best. Stephanie

Stephanie M. Glyptis Executive Director Air & Waste Management Association 420 Fort Duquesne Boulevard One Gateway Center, Third Floor Pittsburgh, Pennsylvania 15222 USA Phone: 412.232.3444 (x6006) Direct: 412.904.6006 Fax: 412.232.3450

sglyptis@awma.org www.awma.org

----Original Message----

From: Webb, C. Flint [mailto:C.FLINT.WEBB@leidos.com]
Sent: Monday, October 02, 2017 12:08 PM
To: Dominguez, Alexander <dominguez.alexander@epa.gov>

Cc: William L. Wehrum <a href="www.ehrum@hunton.com">wwehrum@hunton.com</a>; Cindy Fontanesi <a href="www.ehrum@hunton.com">CFontanesi@AWMA.ORG</a>; Gunasekara, Mandy <a href="www.ehrum@hunton.com">GUnasekara.Mandy@epa.gov</a>; jcmuffat <jcmuffat@yahoo.com</a> Subject: RE: EXTERNAL: A&WMA's Conference "Finding Common Ground on Climate Change Mitigation and

Adaption" Scheduled for October 10th and 11th in Arlington VA

Alex, What can we do to resolve the scheduling issue? Do we need to find a last minute replacement? It is probably too late to reflect the change in the Final Program.

Flint Webb, P.E.

C.Flint.Webb@Leidos.com

Baltimore-Washington Chapter: Vice Chair Technical Council: Climate Change Division Vice Chair Finding Common Ground on Climate Change Mitigation and Adaptation:

General Conference Chair

South Atlantic States Section: Director

Air & Waste Management Association

Work: 571-526-7706 Cell: 703-582-8094

----Original Message----

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Monday, October 02, 2017 11:59 AM

To: Webb, C. F. [US-US]; Dominguez, Alexander

```
Cc: William L. Wehrum; cfontanesi@awma.org
Subject: Re: EXTERNAL: A&WMA's Conference "Finding Common Ground on Climate Change Mitigation and Adaption" Scheduled for October 10th and 11th in Arlington VA
I have a scheduling issue on the 10th that needs to be worked out. I apologize. Please work with Alex
(cc'd).
Sent from my iPhone
> On Oct 2, 2017, at 11:49 AM, Webb, C. Flint <C.FLINT.WEBB@leidos.com> wrote:
> Thank you for stepping up to keynote our conference at the at the DoubleTree hotel at 300 Army Navy
Drive, Arlington, VA, October 10th. As General Conference Chair, I will have the honor of introducing
you and I wanted to go over a few things ahead of time.
> Bio: Please provide me with a brief bio for me to use to introduce you. How do you want us to show
your name in the program?
      1) Amanda (Mandy) Gunasekara, Senior Policy Advisor to the Administrator for the Office of Air and
Radiation, U.S. EPA
      2) Amanda Gunasekara, ...
      3) Mandy Gunasekara, ...
> Speaker's Breakfast: There will be a speaker's Breakfast. There is a Presenter's Breakfast 7:30-8:30 am. There will be tables set up for each conference session. I will be at the Climate Communication
Panel Session table. I would recommend that you come to the Breakfast so you can find out about any last-minute changes. You can also check the web site
https://www.awma.org/content.asp?admin=Y&contentid=311 for the final program.
> Presentation: Pleas provide me with your PowerPoint presentation and I will load it onto the computer
for presentation.
> Schedule: After the Presenter's Breakfast at 8:30-8:40 am I am scheduled to make a few welcoming
remarks after which I will introduce you. Please try to keep your presentation to 20-30 minutes so there is adequate time for questions and answers. I will give you 5, 3 and 2 minute warning using hand
signals. After your presentation I will thank you and introduce Clara Poffenberger who will then introduce the Climate Policy Update Panel. Our understanding is that you will not be able to join us on the panel, but if that is correct let me know and we can include you on the panel. The panel is
scheduled to run from 9:10-10:10 am.
> If you have ANY questions please don't hesitate to contact me or Cindy Fontanesi (copied on this e-
mail). Cindy is our conference planner.
> See you on the 10th!
> Flint Webb, P.E.
> C.Flint.Webb@Leidos.com
> Baltimore-Washington Chapter: Vice Chair Technical Council: Climate
> Change Division Vice Chair Finding Common Ground on Climate Change
> Mitigation and Adaptation:
       General Conference Chair
> South Atlantic States Section: Director Air & Waste Management
> Association
> Work: 571-526-7706
> Cell: 703-582-8094
> ----Original Message----
> From: Jeffry Muffat [mailto:jcmuffat@yahoo.com]
> Sent: Thursday, September 14, 2017 8:08 AM
> To: gunasekara.mandy@epa.gov
> Cc: William L. Wehrum; cfontanesi@awma.org
> Subject: EXTERNAL: A&WMA's Conference "Finding Common Ground on
> Climate Change Mitigation and Adaption" Scheduled for October 10th and
> 11th in Arlington VA
> Mandy:
> Thank you so much for agreeing to Keynote A&WMA's Conference on Climate Change. The Conference is
scheduled for Oct 10-11, 2017 in Arlington, VA and promises to be a great opportunity to exchange
meaningful information on the current thinking relative to climate change and how we can mitigate any
adverse effects and adapt to the potential consequences. The Association values EPA's thinking and is excited to provide the forum for discussion to our membership and other parties involved in the
discussion.
> Bill Wehrum said that you planned to check with Administrator Pruitt one last time to see if he was
available to Keynote and it would be great if he wanted to speak. However, our intent at this time is to
list you in the Program at the Keynoter and then to send out a special mailing/notice announcing
Administrator Pruitt as the Keynoter should he decide to speak.
```

- > Cindy Fontanesi from A&WMA Headquarters in Pittsburgh will be in touch with you today to work out the details.
- > Again, thank you so much for agreeing to speak at our upcoming Conference.
- > Jeff Muffat
- > Retired Manager of 3M Environmental Reg Affairs Treasurer of Air & Waste Management Association .

From: Stevens, Patrick K - DNR [Patrick.Stevens@wisconsin.gov]

**Sent**: 9/20/2017 6:34:49 PM

To: Eberle, Ed - DNR [Ed.Eberle@wisconsin.gov]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative

Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]

Subject: RE: Racine county

#### Hello Ms. Gunasekara:

We would be available for a call today between 3:15 and 4 pm eastern time, or at 5 pm eastern time, if you are available. If not, do you have some time tomorrow that might work for you? Thanks much!

#### We are committed to service excellence.

Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

#### Pat Stevens

Administrator – Environmental Management Division Wisconsin Department of Natural Resources

Phone: 608-264-9210 Cell Phone: 608-516-1180 patrick.stevens@wisconsin.gov



From: Wagner, Kenneth [mailto:wagner.kenneth@epa.gov]

Sent: Wednesday, September 20, 2017 9:12 AM

To: Stevens, Patrick K - DNR < Patrick. Stevens@wisconsin.gov>; eberle.ed@wisconsin.gov; Gunasekara, Mandy

<Gunasekara.Mandy@epa.gov>

Subject: Racine county

#### Pat/Ed:

I have copied Mandy Gunasekara on this correspondence as she and I spoke briefly about your questions concerning Racine County. Hopefully, you all can coordinate a call to discuss the matter.

Please let me know if I can further assist.

Ken

#### Kenneth E. Wagner

Senior Advisor to the Administrator For Regional and State Affairs

US Environmental Protection Agency 202-564-1988 office 202-309-2418 cell

wagner.kenneth@epa.gov

From: Jason Eberstein [jeberstein@namanow.org]

**Sent**: 9/25/2017 12:51:29 PM

To: Godwin, Dave [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=9519a58ea7ed4782ba7e8b1f6472de1d-Godwin, Dave]

CC: Farquharson, Chenise [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=6b240335cb7b41d79edb4ef922386a23-Farquharson, Chenise]; Sheppard,

Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=8c5e375cf85149979f9dda3b0018c590-Sheppard, Margaret]; Newberg, Cindy

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=b951e525a8a3457ebfb51fa7d8b06bfb-Newberg, Cindy]; Gunasekara, Mandy

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Eric Dell

[edell@namanow.org]

Subject: RE: NAMA Petition Requesting EPA SNAP change of status date extension

Dave,

I hope all is well. The majority of our members are currently going through business forecasts / manufacturing planning and design for 2018 and accordingly I wanted to follow up and see if there has been any progress on our petition or if we could provide any additional information.

Thanks!

Jason

Jason S. Eberstein

Director, State and Federal Government Affairs

NAMA

301.537.4114

From: Godwin, Dave [mailto:Godwin.Dave@epa.gov]

Sent: Friday, September 8, 2017 6:02 PM

To: Jason Eberstein < jeberstein@namanow.org>

Cc: Farquharson, Chenise <Farquharson.Chenise@epa.gov>; Sheppard, Margaret <Sheppard.Margaret@epa.gov>;

Newberg, Cindy <Newberg.Cindy@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Eric Dell

<edell@namanow.org>

Subject: RE: NAMA Petition Requesting EPA SNAP change of status date extension

Thank you Jason for this additional information. It is good timing as I am just back from vacation and will be reviewing the information NAMA has submitted in more detail now that I'm back.

Have a good weekend

-Dave

From: Jason Eberstein [mailto:jeberstein@namanow.org]

**Sent:** Friday, September 08, 2017 12:12 PM **To:** Godwin, Dave < Godwin.Dave@epa.gov>

Cc: Farguharson, Chenise < Farguharson. Chenise@epa.gov >; Sheppard, Margaret < Sheppard. Margaret@epa.gov >;

Newberg, Cindy <a href="Memberg.Cindy@epa.gov">Newberg.Cindy@epa.gov</a>; Gunasekara, Mandy <a href="Memberg.Cindy@epa.gov">Gunasekara, Mandy@epa.gov</a>; Eric Dell

<edell@namanow.org>; Jason Eberstein <jeberstein@namanow.org>

Subject: RE: NAMA Petition Requesting EPA SNAP change of status date extension

Dave,

I wanted to thank you and the team for meeting with us last month regarding NAMA's petition requesting that the EPA extend the date for change of status of refrigerants in vending machines until 2022.

Our industry is committed to a transition away from HFC's in a timely, efficient, and business feasible manner, however as noted we have identified several issues that in our opinion require an extension and stem from the fact that the vending industry, upon detailed review, only has one "real" transition option -- HC R290 -- which has its own challenges.

#### **Refrigerant Options**

CO2: I understand from your comments that the vending industry appeared to be on a trajectory of using CO2 as the refrigerant of choice; however, this decision had not been finalized by all manufacturers and many were reviewing additional options. In 2015 our industry was not aware or able to locate any manufacturer that produced a fractional horsepower CO2 compressor for vending applications that would meet future energy consumption regulations. We have been notified that the last compressor manufacturer will be ceasing production leaving zero suppliers of CO2 compressors technically suitable for refrigeration applications in the vending industry. Due to energy consumption and compressor issues CO2 was effectively taken off the table.

HFO: There was some back-and-forth of why not an HFO blend. These refrigerants are not ideal for the vending industry for several reasons.

- Available HFO blends are propriety and each one is controlled by a small number of manufacturers that could dictate pricing, demand, or experience supply chain disruptions.
- The EU as of 2022 has banned refrigerants with a GWP of 150 or higher; HFO's for vending have a GWP higher than 150 thus products using these refrigerants would not be permitted for use in the EU starting in 2022. We are part of a global marketplace and it is not business case feasible to either abandon a marketplace altogether or operate multiple manufacturing lines utilizing different refrigerants when there is the possibility of using one refrigerant that is acceptable globally.
- HFO's cost approximately \$14 per pound compared to R134a and R290 which cost approximately \$3 and lower
  per pound; transitioning to propriety chemicals would represent nearly a 500% increase in commodity costs
  making them prohibitively more expensive.
- Similar to the compressor situation with CO2 there is not currently a supplier of HFO compressors tested and approved for use in vending applications.
- HFO blends contain HFC's and are not naturally occurring and many in our industry have made commitments to use only "natural" refrigerants.
- R290 is more energy and cost efficient compared to HFO's and CO2.

HC: HC's in general are in wide use globally and as noted above have a very low GWP and zero ODP. HC's have excellent thermodynamic properties which translates into significant charge reduction and increased energy efficiency; HFO's have a much higher GWP and require much larger charge sizes. The cost of HC's is comparable to HFC's and much less than HFO's. Given HC's global acceptance many vending machine customers are already very familiar with HC refrigerants and they would prefer to standardize their operations vs utilizing different technologies in different markets. HC's are also a more viable long term solution. However, HC's are not without their challenges. To safely transition to these in the U.S. marketplace the additional level of complexity involved with designing for and working with HC's must be clearly understood and planned for. Intelligent design must be incorporated, rigorous testing on individual components and finished products must be carried out, and service protocols must be developed and technicians trained. Individual operators will need to alter their current refrigerant storage, processes, and procedures, to account for the flammable nature of the refrigerant; thousands of technicians must be properly trained. Retooling operations and technician training both take a large amount of time and resources. HC's are clearly the logical refrigerant for the industry to transition to however sufficient time must be given to accommodate the level of complexity required to safely and efficiently transition.

In summary, HFO blends are not suitable for our industry because of their proprietary nature, dramatically increased costs, and global acceptability, and CO2 is not possible because of the compressor/ energy standards issue.

After taking into consideration availability, cost, GWP, energy consumption, global acceptance, and compressor limitations, the industry has found that HC's are the only option to meet transition needs however additional time is required to address the challenges posed by a flammable refrigerant.

#### **UL/ ASHRE**

The requirements of UL 541, Paragraph SA6.2.3 (c) are based directly off ASHRE 15, Clause 7.5.1.2 which requires refrigerating systems installed in a public corridor or lobby to be limited to either being: (a) systems having Group A1 or B1 refrigerants; or (b) sealed absorption systems. The language in UL 541 states that the installation and operating instructions shall indicate that "(c) a vending machine having a flammable refrigerant shall not be intended for use in lobbies or locations of egress, such as a hallway or public corridor." As I'm sure you are aware the locations mentioned in UL 541 are the most common locations for vending machines. Because the only workable transition is an HC – R290 we must go through the process of changing UL 541 and ASHRE 15 or making our products work within the current guidelines.

Our concern is simple; with UL 541, schools, universities, hospitals, military installations and government buildings, correctional facilities, manufacturing facilities, hospitals, etc. are all facilities where consumers look for refreshing beverages and snacks from vending machines. UL 541 would cause either non-optimal machine placement or prohibit placement at all thus devastating the business model for the industry. Lastly, should a facility decide to place a machine in one of the locations specified in UL 541 as not "intended" and an issue occur, the vending machine operator, manufacturer, and building owner all could be susceptible to unknown legal, financial, and reputational risk.

Some in our industry have asked ASHRE for a formal clarification of the standard however we are not expecting a response until 2018. In addition, in speaking with UL and a review of literature, it will take several years for code changes to take place and filter down to the local level – in quoting UL it "will not be completed until 2021 or 2022." The vending machine industry, prior to complete transition and placing machines in the field, will need to have the code change process fully completed or alternative measures in place. We will need the EPA's help in working with both ASHRE and UL to move this process along. Thus, we require an extension of our transition date until 2022 so that the code process can be completed.

#### **Component Testing**

To properly transition to a flammable refrigerant all individual components must be tested and reengineered. The standard machine has dozens of vending motors and payment systems that can produce sparks. Additionally, there are other types of components and fans that must be redesigned including items like heating elements that prevent freezing in outdoor machines.

The challenge is to develop components that reduce potential hazards, do not cause an increase in energy consumption, and do not materially increase the cost of the machine. The development, engineering, and testing of each individual component in each individual machine design all takes time. For example, one component manufacturer must perform machine design reviews for every model of machine to understand the containments and/or controls in the event of a leak and confirm component products are mounted in a location above any leakage point.

One manufacturer has told me that their current vending motor supplier does not have a model available that is brushless – ie does not produce sparks – and that the only solution presented is to redesign the motors to seal them, however this is by no means guaranteed. A second manufacturer mentioned that their supplier is working on an option but it will increase the cost of the motor by over threefold – an unacceptable level of increased cost. There are dozens of motor types and applications that must redesigned and tested and while the work has been ongoing the work has not yet been completed. One manufacturer stated that they have only just completed the redesign and testing of the refrigeration system and still must settle on and test the vending motors, switches, and fans.

Our industry is committed to a transition away from HFC's however as noted above the only practical refrigerant is an HC and we must have the time to source, safely redesign, and test all conceivable components.

#### **Global Acceptance**

As previously stated the EU transition date is not until 2022. US vending machine manufacturers export to EU countries. By not aligning dates US manufacturers will be at a severe disadvantage because of cost and expenses. It is impractical for a manufacturer to build and operate multiple lines to serve multiple geographic areas when a delay and alignment would reduce costs, create efficiency's, and enable healthy global competition.

Contrary to our discussion, we have spoken with our EU counterparts and we are not aware of any European manufacturer preemptively switching to alternative refrigerants; some are still using CO2 just like US manufacturers but they have not transitioned to newer chemicals to meet the EU 2022 regulation or to account for the lack of a CO2 compressor supplier.

#### **Smooth Transition**

NAMA and its members are seeking a to make a safe, methods based, cost effective, transition to meet the SNAP requirements and overall market driven changes taking place in the industry. As the industry embarked on this path several challenges outlined above remained unresolved. The industry is committed to solving these problems in coordination with the EPA and standards bodies however we believe that we cannot do this and still meet the 2019 transition date and that a 2022 date is needed.

Please let me know if you have any additional questions.

Regards,

Jason

Jason S. Eberstein

Director, State and Federal Government Affairs NAMA 301.537.4114

From: Godwin, Dave [mailto:Godwin.Dave@epa.gov]

Sent: Wednesday, August 2, 2017 1:30 PM

To: Eric Dell <edell@namanow.org>

Cc: Jason Eberstein < jeberstein@namanow.org>; Farquharson, Chenise < Farquharson.Chenise@epa.gov>; Sheppard, Margaret < Sheppard.Margaret@epa.gov>; Thompson, Christina < thompson.christina@epa.gov>; Maranion, Bella < Maranion.Bella@epa.gov>

Subject: RE: NAMA Petition Requesting EPA SNAP change of status date extension

Hi Eric,

I am a case manager with the SNAP team and will be working on your SNAP petition regarding vending machines. I looked over your petition and re-read NAMA's comments on the August 6, 2014 proposed rulemaking which was finalized and published July 20, 2015 (SNAP Rule 20).

The SNAP team would appreciate the opportunity to speak with you and your colleagues in regards to your recent petition. In general a face-to-face meeting works best but we can also set up a conference call if you prefer. Is there a good time in the next several weeks that would be good for you and your colleagues? Please let me know if this path forward works for you. Thanks!

Sincerely,

-Dave

David S. Godwin, P.E.
Environmental Protection Specialist
U.S. Environmental Protection Agency
Office of Air and Radiation
Office of Atmospheric Programs
Stratospheric Protection Division
Alternatives and Emissions Reduction Branch

Mailing Address: 1200 Pennsylvania Avenue, NW; Mail Code 6205-T; Washington, DC 20460; USA Deliveries and Office Location: 1201 Constitution Avenue, NW; 4355GG; Washington, DC 20004; USA

Phone: +1-202-343-9324 Godwin.Dave@epa.gov

From: Eric Dell [mailto:edell@namanow.org]
Sent: Monday, July 24, 2017 11:47 AM

To: Farquharson, Chenise < Farquharson. Chenise@epa.gov>

Cc: Newberg, Cindy < Newberg.Cindy@epa.gov >; Maranion, Bella < Maranion.Bella@epa.gov >; Sheppard, Margaret < Sheppard.Margaret@epa.gov >; Godwin, Dave < Godwin.Dave@epa.gov >; Jason Eberstein < jeberstein@namanow.org >

Subject: RE: NAMA Petition Requesting EPA SNAP change of status date extension

Thank you very much Chenise and we look forward to working together.

W. Eric Dell

Senior Vice President, Government Affairs

NAMA

Phone: 202.669.6139

From: Farquharson, Chenise [mailto:Farquharson.Chenise@epa.gov]

Sent: Monday, July 24, 2017 11:39 AM To: Eric Dell <edell@namanow.org>

Cc: Newberg, Cindy < Newberg, Cindy@epa.gov >; Maranion, Bella < Maranion, Bella@epa.gov >; Sheppard, Margaret < Sheppard, Margaret@epa.gov >; Godwin, Dave < Godwin, Dave@epa.gov >; Jason Eberstein@inamanow.org >

Subject: RE: NAMA Petition Requesting EPA SNAP change of status date extension

Dear Mr. Dell,

I am writing to confirm receipt of your email and SNAP petition of July 21, 2017. We will review the information and follow up with a response.

Best regards, Chenise

Chenise Farquharson
Alternatives and Emissions Reduction Branch
OAR/OAP/SPD
U.S. Environmental Protection Agency
WJC East 4355FF
(202) 564-7768
Farquharson.chenise@epa.gov

From: Eric Dell [mailto:edell@namanow.org]

Sent: Friday, July 21, 2017 3:53 PM

To: Farquharson, Chenise < Farquharson. Chenise@epa.gov>

Cc: Jason Eberstein < jeberstein@namanow.org>

Subject: NAMA Petition Requesting EPA SNAP change of status date extension

#### Chenise,

Attached please find NAMA's petition to the EPA to extend the date for change of status for refrigerants used in new vending machines. As referenced in the letter, we understand and support the need for the Rule and status change, however our members have encountered some unanticipated delays as they attempt to safely transition to come into compliance with the January 1, 2019 SNAP compliance date.

We look forward to working together on this issue and our request. Please do not hesitate to reach out to me for further information.

Thanks

Eric



W. Eric Dell Senior Vice President, External Affairs NAMA

1600 Wilson Boulevard, Suite 650 Arlington, VA 22209

Cell Phone: 202.669.6139 edell@namanow.org

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namanow.org

 From:
 Eric Byer [ebyer@NACD.com]

 Sent:
 9/20/2017 11:47:50 AM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: NACD Annual Meeting

Ok, so we had a call with the hotel and the meeting is going to have to be moved to San Antonio. Likely heading to the JW Marriott in San Antonio Hill Country. Think you can swing that instead of Naples? Morning!

From: David Cox [david@rngcoalition.com]

**Sent**: 9/18/2017 4:01:20 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: \*CBI\* RNG Coalition: RVO Comments \*CBI\*

Attachments: CBI - RNG Coalition - DO NOT POST or FORWARD.pdf

Mandy,

Last week, the RNG Coalition's Federal Affairs Manager, Sanjay Srikantiah, spoke briefly with Administrator Pruitt about the cellulosic biofuel projections for 2018. Mr. Pruitt requested that we forward you our comments and data.

The RNG Coalition's RVO comments, supporting data tables and signed affidavits have posted to Regulations.gov. Our tracking number is: 1k1-8yem-9yo4

Attached are the 8 Affidavits that did not waive Confidential Business Information (CBI) and are therefore not posted to the public site.

I have also submitted these to: Ryan Jackson, Aaron Ringel, and Dallas Burkholder.

Please let me know if I can be of any assistance on this, or any other, matter.

Yours in Service,

## David A. Cox

Director of Operations General Counsel Renewable Natural Gas Coalition

o 916.588.3033 f 916.914.2379 c 909.649.4180

CA SBN 273692 OK SBN 32902 TX SBN 24101248

Web: <u>RNGCoalition.com</u> Twitter: @CoalitionForRNG

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From: Paul Bleiberg [pbleiberg@nmpf.org]

**Sent**: 9/25/2017 9:13:47 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Re: Meeting question

Hi Mandy, let me know if you need anything further about this request. The OR dairy farmers are looking forward to their visit next week.

Thanks, Paul

From: Paul Bleiberg

Sent: Thursday, September 21, 2017 5:46:57 PM

To: Gunasekara, Mandy Subject: Re: Meeting question

Hey Mandy,

Circling back on this, the Oregon Dairy Farmers Association will be in town and available to meet on Wednesday, October 4 from 1:00-2:30 PM and on Thursday, October 5 from 11:00 AM-12:00 PM. Let me know if I should urge them to contact you or another colleague directly. Otherwise, am happy to set up for them.

Thanks for your help!

## Paul

From: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> Sent: Wednesday, September 20, 2017 8:19:23 PM

To: Paul Bleiberg

Subject: Re: Meeting question

Hey Paul,

Air is me and water is my colleague Sarah Greenwalt. When will they be in town?

Best, Mandy

Sent from my iPhone

> On Sep 20, 2017, at 6:53 PM, Paul Bleiberg <pbleiberg@nmpf.org> wrote:

>

> Mandy,

`

> Hope you're doing well. Hopefully an easy question - one of our state dairy associations is coming to town and would like to meet with EPA staff to discuss some air and water issues. Do you recommend a particular person for them to contact?

\_. .

> Thanks, > Paul

>

- > Paul Bleiberg
- > Senior Director, Government Relations
- > National Milk Producers Federation
- >
- > Sent from my iPhone

From: Kyle Harris [kharris@corn.org]

9/20/2017 9:21:33 PM Sent:

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Keniece Barbee

[kbarbee@corn.org]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Biogenic CO2

Hi Alex, we are on the line whenever you guys are ready.

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety

Corn Refiners Association

www.corn.org

1701 Pennsylvania Ave NW

Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629



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From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Wednesday, September 20, 2017 9:39 AM

To: Keniece Barbee <kbarbee@corn.org>; Kyle Harris <kharris@corn.org>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: RE: Biogenic CO2

Confirmed – yes still the same number - and copy will do going forward

From: Keniece Barbee [mailto:kbarbee@corn.org] Sent: Wednesday, September 20, 2017 9:23 AM

To: Dominguez, Alexander <<u>dominguez.alexander@epa.gov</u>>; Kyle Harris <<u>kharris@corn.org</u>>

Cc: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Subject: RE: Biogenic CO2

Hi Alex,

I've moved the call to 5:15PM ET on the calendar.

Can you please confirm that the following is still the correct call in for today?

866-299-3188, Passcode: 202-564-6082

Also, apologies that I didn't see your email last night when you sent. Going forward please feel free to call my cell for any last minute changes.

Many thanks for your efforts.

# Regards,

### Keniece Barbee

Assistant to President and C.E.O. Corn Refiners Association



1701 Pennsylvania Avenue, N.W.

Suite 950

Washington, DC 20006 Main: (202) 331-1634 Direct: (202) 534-3491 Fax: (202) 331-2054 www.corn.org

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From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Wednesday, September 20, 2017 9:20 AM

To: Kyle Harris <kharris@corn.org>; Keniece Barbee <kbarbee@corn.org>

Cc: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Subject: RE: Biogenic CO2

Great. Thank you for the flexibility.

From: Kyle Harris [mailto:kharris@corn.org]
Sent: Wednesday, September 20, 2017 8:57 AM

To: Dominguez, Alexander < dominguez.alexander@epa.gov>; Keniece Barbee < kbarbee@corn.org>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: RE: Biogenic CO2

Alex,

Sorry for just seeing this. 515 will have to do- we are looking forward to it.

Thanks,

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety Corn Refiners Association www.corn.org 1701 Pennsylvania Ave NW

Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629



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From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Tuesday, September 19, 2017 8:14 PM

To: Keniece Barbee <kbarbee@corn.org>; Kyle Harris <kharris@corn.org>

Cc: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Subject: Re: Biogenic CO2

Keniece and Kyle - Are you able to move the 10AM call tomorrow to either 8:45 or 5:15?

Alex

Sent from my iPhone

On Sep 8, 2017, at 10:07 AM, Keniece Barbee <kbarbee@corn.org> wrote:

Alex!

You are the best! Thank you so much for the flexibility.

Happy Friday and have a wonderful weekend.

# Regards,

### Keniece Barbee

Assistant to President and C.E.O. Corn Refiners Association <image001.png>

1701 Pennsylvania Avenue, N.W. Suite 950

Washington, DC 20006 Main: (202) 331-1634 Direct: (202) 534-3491 Fax: (202) 331-2054

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From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Friday, September 8, 2017 10:05 AM

To: Keniece Barbee <kbarbee@corn.org>; Kyle Harris <kharris@corn.org>

Cc: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Subject: RE: Biogenic CO2

Let's do Wednesday, September 20th at 10:00AM.

Conference Line: 866-299-3188

Passcode: 202-564-6082

Anything else just let me know.

From: Keniece Barbee [mailto:kbarbee@corn.org]

Sent: Friday, September 8, 2017 9:52 AM

To: Dominguez, Alexander <dominguez.alexander@epa.gov>; Kyle Harris <kharris@corn.org>

Cc: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Subject: RE: Biogenic CO2

Hi Alex,

Thank you so much for your quick response to Kyle, this is very important to us.

Unfortunately, John Bode will be in flight during the time you gave on Monday 9/18 and in an all-day Board Meeting on 9/19.

Is there any time between 3-5:00PM on Monday 9/18 OR Wednesday, 9/20, 10:00AM to 1:00PM that could possibly work for this call?

# Regards,

### Keniece Barbee

Assistant to President and C.E.O. Corn Refiners Association <image001.png>

1701 Pennsylvania Avenue, N.W.

Suite 950

Washington, DC 20006 Main: (202) 331-1634 Direct: (202) 534-3491 Fax: (202) 331-2054

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From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Friday, September 8, 2017 9:29 AM

To: Kyle Harris < kharris@corn.org>

Cc: Keniece Barbee <a href="mailto:kbarbee@corn.org">kbarbee@corn.org</a>; Gunasekara, Mandy <a href="mailto:Gunasekara.Mandy@epa.gov">Gunasekara.Mandy@epa.gov</a>>

Subject: RE: Biogenic CO2

Hey Kyle,

Happy to set something up. Could you do a call Monday, September 18<sup>th</sup> at 11:30AM or Tuesday, September 19<sup>th</sup> at 2:00PM?

Alex

### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

From: Kyle Harris [mailto:kharris@corn.org]
Sent: Thursday, September 7, 2017 10:17 AM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Cc: Dominguez, Alexander <<u>dominguez.alexander@epa.gov</u>>; Keniece Barbee <<u>kbarbee@corn.org</u>>

Subject: RE: Biogenic CO2

Importance: High

Mandy,

I hope you were able to enjoy the Labor Day Weekend.

Thanks again for meeting with us on July 26<sup>th</sup>, we thought it was a very productive meeting and hope to maintain an open dialogue with you moving forward.

We were hoping to get a follow up call with you and your core decision makers on the calendar in the coming weeks as we work towards a resolution to the biogenic issue. We participated in EPA's Science Advisory Board Public Meeting last week in Arlington. Through both written and verbal comments we stated the need to place short cycle agriculture biomass on a separate track from woody biomass. We continue to think that Biogenic CO2 from agriculture crops should not and is not properly regulated at this point in time.

We were hoping to get a follow up call with you and your core decision makers on the calendar in the coming weeks as we work towards a resolution to the biogenic issue.

Please do not hesitate to reach out to me should you need any further information or clarification.

Thanks in advance,

Kyle

**Kyle A. Harris, Esq.** *Manager, Environmental Affairs/ Workplace Safety* 

Corn Refiners Association

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Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629

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<image002.gif>

From: Kyle Harris

Sent: Thursday, August 24, 2017 11:44 AM

To: 'Gunasekara, Mandy' < Gunasekara. Mandy@epa.gov>

Cc: 'dominguez.alexander@epa.gov' <dominguez.alexander@epa.gov>; Keniece Barbee

<a href="mailto:kbarbee@corn.org">kbarbee@corn.org</a> **Subject:** RE: Biogenic CO2

Greetings Mandy,

I just wanted to follow up on my message below.

Thanks again for meeting with us on July 26<sup>th</sup>, we thought it was a very productive meeting and hope to maintain an open dialogue with you moving forward.

We were hoping to get a follow up call with you and your core decision makers on the calendar in the coming weeks as we work towards a resolution to the biogenic issue.

Please do not hesitate to reach out to me should you need any further information or clarification.

Thanks in advance,

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety

Corn Refiners Association

www.corn.org

1701 Pennsylvania Ave NW

Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629 <image001.png>

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<image002.gif>

From: Kyle Harris

Sent: Thursday, August 10, 2017 9:45 AM

To: 'Gunasekara, Mandy' < Gunasekara. Mandy@epa.gov>

Cc: 'dominguez\_alexander@epa.gov' <dominguez\_alexander@epa.gov>; Keniece Barbee

<a href="mailto:kbarbee@corn.org">kbarbee@corn.org</a> **Subject:** RE: Biogenic CO2

Greetings Mandy,

Thanks again for meeting with us on July 26<sup>th</sup>, we thought it was a very productive meeting and hope to maintain an open dialogue with you moving forward.

We were hoping to get a follow up call with you and your core decision makers on the calendar in the coming weeks as we work towards a resolution to the biogenic issue.

Please do not hesitate to reach out to me should you need any further information or clarification.

Thanks in advance,

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety

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<image002.gif>

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

**Sent:** Thursday, June 15, 2017 1:03 PM **To:** Kyle Harris < <u>kharris@corn.org</u>>

Cc: David M. (Max) Williamson < maxwilliamson@williamsonlawpolicy.com >; Dominguez, Alexander

<dominguez.alexander@epa.gov>

Subject: RE: Biogenic CO2

Kyle,

ED\_002110\_00033547-00007

Thank you for the update and I look forward to meeting again soon. I've cc'd Alex Dominguez who can help organize the logistics.

Best, Mandy

From: Kyle Harris [mailto:kharris@corn.org]
Sent: Tuesday, June 13, 2017 3:03 PM

Ter Curecokers Mandy Curecokers Mandy

To: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Cc: David M. (Max) Williamson < maxwilliamson@williamsonlawpolicy.com>

Subject: RE: Biogenic CO2

Importance: High

Mandy,

Your lawyers, the Department of Justice, have contacted us regarding our challenge to the Aircraft Rule, as a status report on our abeyance order is due to the DC Circuit June 28<sup>th</sup>. This presents a perfect opportunity to sit down and pick back up our conversation regarding the biogenic issue, and share with you our proposed resolution.

We would like to schedule a meeting at your convenience ahead of this June 28th deadline.

Best Regards,

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety

Corn Refiners Association

www.corn.org

1701 Pennsylvania Ave NW Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629

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<image002.gif>

From: Kyle Harris

Sent: Tuesday, May 30, 2017 4:52 PM

To: 'Gunasekara, Mandy' < Gunasekara. Mandy@epa.gov >

Cc: David M. (Max) Williamson < maxwilliamson@williamsonlawpolicy.com>

Subject: RE: Biogenic CO2

Mandy,

ED\_002110\_00033547-00008

I hope you found time to enjoy Memorial Day Weekend. I wanted to follow-up to see if there is anything else I can provide you with to resolve the biogenic issue. Again, we are hopeful for a prompt and permanent resolution to this matter without extended rulemaking and also end all litigation over the Aircraft Rule. We believe the strategy and vehicle discussed in our May 2<sup>nd</sup> meeting will be the most effective way of accomplishing this.

We would like to schedule a follow up meeting/call at your earliest convenience to further discuss. Additionally, please let me know when may be the most appropriate time to request a meeting between Biogenic CO2 Coalition member CEOs and Administrator Pruitt.

Best Regards,

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety

Corn Refiners Association

www.corn.org

1701 Pennsylvania Ave NW

Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629

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<image002.gif>

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

**Sent:** Monday, May 08, 2017 4:53 PM **To:** Kyle Harris <a href="mailto:kharris@corn.org">kharris@corn.org</a>>

Cc: David M. (Max) Williamson < maxwilliamson@williamsonlawpolicy.com>

Subject: RE: Biogenic CO2

Thank you, Kyle. Appreciate the follow-up.

Best, Mandy

From: Kyle Harris [mailto:kharris@corn.org]

Sent: Monday, May 8, 2017 4:50 PM

To: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Cc: David M. (Max) Williamson < maxwilliamson@williamsonlawpolicy.com>

Subject: RE: Biogenic CO2

Mandy,

ED\_002110\_00033547-00009

I wanted to follow up and confirm that you received the case studies that I sent last week. I can understand how busy you are- and just wanted to make sure they didn't fall unnoticed to the bottom of your email inbox! Attached here should be everything that I have sent your way (or handed in person) regarding Biogenic CO2. Additionally, please find our comments on the proposed significance rule, as it's our most thorough exposition of the legal arguments surrounding this issue.

### Attached you will find:

- Letter sent to Administrator Pruitt upon his confirmation
- One-page overview of the Ag-based Biogenic CO2 issue
- Case Studies developed to frame permitting issues we face
- Comments filed on the Proposed Significance Rule
- Slide deck highlighting EPA Actions/Concerns

I hope you find this information helpful, please don't hesitate to reach out should you have any questions or concerns. Again, we look forward to maintaining an open dialogue and we hope to meet with you regarding next steps in the very near future.

Best Regards,

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety
Corn Refiners Association

www.corn.org

1701 Pennsylvania Ave NW Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629 <image001.png>

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<image002.gif>

From: Kyle Harris

Sent: Tuesday, May 02, 2017 4:29 PM

To: 'Gunasekara, Mandy' < Gunasekara. Mandy@epa.gov>

Subject: Biogenic CO2

Mandy,

Thank you for meeting with us today. Per our discussion, I wanted to forward you some 'case studies' that we have developed that put a story behind some of the permitting issues that the members of my association, and others in the coalition, have dealt with on a consistent basis.

I look forward to maintaining a dialogue moving forward- please do not hesitate to reach out should you need any further information. We look forward to next steps in getting this issue resolved.

# Best Regards,

# Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Warkplace Safety <marked image001.png>

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Office: (202) 534-3501 Cell: (410) 924-2629

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<image002.gif>

From: Clint Woods [cwoods@csg.org]

**Sent**: 9/28/2017 3:41:07 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: Thanks & One Follow Up Item

# Mandy,

Thanks again for joining us last week – Our members really benefited from your time and expertise, and we really appreciate you being there.

Any chance you might have a free 30 mins next week or the week after for a short follow up call with AZ and me? We can make any time work.

Clint Woods
Executive Director
Association of Air Pollution Control Agencies
1776 Avenue of the States
Lexington, KY 40511
859.244.8040 – office
cwoods@csg.org
http://www.cleanairact.org



From: Parinello, Chris [Chris.Parinello@valero.com]

**Sent**: 9/12/2017 8:13:30 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Zelermyer, Salo [Salo.Zelermyer@valero.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative

Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Valero Meeting Request

Ok no worries we'll make that work. Thanks! -- Chris

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

**Sent:** Tuesday, September 12, 2017 4:12 PM **To:** Parinello, Chris < Chris. Parinello@valero.com>

Cc: Zelermyer, Salo <Salo.Zelermyer@valero.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: RE: Valero Meeting Request

Mandy is back-to-back Wednesday and traveling Thursday and Friday so it unfortunately needs to be Monday at 10:30 or looking at the week of 25th

### Alex

From: Parinello, Chris [mailto:Chris.Parinello@valero.com]

Sent: Tuesday, September 12, 2017 3:45 PM

To: Dominguez, Alexander < dominguez.alexander@epa.gov>

Cc: Zelermyer, Salo <Salo.Zelermyer@valero.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: Re: Valero Meeting Request

Alex--Salo is now out Monday so sorry! Would one of those other days work?--Chris

Sent from my iPhone

On Sep 12, 2017, at 3:40 PM, Dominguez, Alexander < dominguez.alexander@epa.gov> wrote:

Hey Chris – Let's do 10:30AM on Monday, September 18<sup>th</sup>.

Location: 1200 Pennsylvania Avenue, NW.

Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station.

https://www.epa.gov/sites/production/files/2013-08/federaltrianglemap5.jpg

EPA Contact: For an escort from Security to the meeting call me at 202-578-5985 or 202-564-3164

### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency From: Parinello, Chris [mailto:Chris.Parinello@valero.com]

Sent: Tuesday, September 12, 2017 3:04 PM

To: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Cc: Dominguez, Alexander < dominguez.alexander@epa.gov>; Zelermyer, Salo

<<u>Salo.Zelermyer@valero.com</u>> **Subject:** Valero Meeting Request

Importance: High

Hi Mandy—Wanted to see if you had time to meet with us next week to follow up on our discussions related to RINs. Salo and I would like to bring in Jeff Holmstead and Lisa Jaeger from Bracewell as well. Would any of the below days/times work? Thank you!—Chris

Monday, September 18<sup>th</sup>—Any time Wednesday, September 20<sup>th</sup>—Afternoon Thursday, September 21<sup>st</sup>—Any time Friday, September 22<sup>nd</sup>—Any time after 10am.

Chris Parinello Senior Manager, Federal Government Affairs Valero Energy Corporation Phone: (202) 560-5451

Email: chris.parinello@valero.com

From: Williams, Brendan [Brendan.Williams@pbfenergy.com]

**Sent**: 9/21/2017 4:04:08 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: EPA Regional Question

### Mandy-

I hope all is well. I have a quick question relating to an EPA regional issue. I'm really just looking to get pointed in the right direction to assess some options. Any chance you have 15 minutes to talk sometime today? Please let me know when you get a chance and thanks in advance for your consideration.

### Regards,

Brendan Williams
Government Relations
PBF Energy
601 Pennsylvania Avenue, NW
Suite 900 South
Washington, DC 20004
O: (202) 434-8254
M: (703) 863-6825
brendan.williams@pbfenergy.com
www.pbfenergy.com



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From: Keniece Barbee [kbarbee@corn.org]

**Sent**: 9/25/2017 9:10:12 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Kyle Harris

[kharris@corn.org]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Biogenic CO2

Thank you Alex.

# Regards,

### Keniece Barbee

Assistant to President and C.E.O. Corn Refiners Association



1701 Pennsylvania Avenue, N.W.

Suite 950

Washington, DC 20006 Main: (202) 331-1634 Direct: (202) 534-3491 Fax: (202) 331-2054

www.corn.org

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From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Thursday, September 21, 2017 11:30 AM

To: Keniece Barbee <kbarbee@corn.org>; Kyle Harris <kharris@corn.org>

Cc: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Subject: RE: Biogenic CO2

Confirmed for 12:30PM on Friday the 29th

Same number as last night if we could.

Conference Line: 866-299-3188

Passcode: 202-564-6082

If you would like to send a calendar invite that would be great. I will also send one internally for our folks.

### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

From: Keniece Barbee [mailto:kbarbee@corn.org]
Sent: Thursday, September 21, 2017 9:28 AM

To: Dominguez, Alexander <a href="mailto:dominguez.alexander@epa.gov">dominguez, Alexander <a href="mailto:dominguez.alexander@epa.gov">dominguez, Alexander <a href="mailto:dominguez.alexander@epa.gov">dominguez, Alexander <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a>; Kyle Harris <a href="mailto:kharris@corn.org">kharris@corn.org</a>

Cc: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Subject: RE: Biogenic CO2

Hello Alex,

Can we please schedule for 12:30PM on Friday September 29<sup>th</sup>. Would you please send calendar invite, or I am happy to with call in number?

Thank you.

# Regards,

## Keniece Barbee

Assistant to President and C.E.O. Corn Refiners Association



1701 Pennsylvania Avenue, N.W.

Suite 950

Washington, DC 20006 Main: (202) 331-1634 Direct: (202) 534-3491 Fax: (202) 331-2054 www.corn.org

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From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Wednesday, September 20, 2017 6:24 PM

To: Kyle Harris < kharris@corn.org>; Keniece Barbee < kbarbee@corn.org>

Cc: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Subject: RE: Biogenic CO2

Kyle and Keniece - Per our discussion it looks like the best time to reschedule is for next Friday, September 29. Would either 12:00PM, 12:30 or 4:00 – close work on your end?

Alex

From: Kyle Harris [mailto:kharris@corn.org]
Sent: Wednesday, September 20, 2017 5:32 PM

**To:** Dominguez, Alexander < dominguez.alexander@epa.gov > **Cc:** Gunasekara, Mandy < Gunasekara.Mandy@epa.gov >

Subject: RE: Biogenic CO2

Ok we are standing by.

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Wednesday, September 20, 2017 5:30 PM

To: Kyle Harris < kharris@corn.org>

Cc: Keniece Barbee <a href="kbarbee@corn.org">kbarbee@corn.org</a>; Gunasekara, Mandy <a href="Gunasekara">Gunasekara</a>. Mandy @epa.gov>

Subject: Re: Biogenic CO2

Kyle - we are still in with the administrator I apologize as this has happened a few times now. I will touch base when I get out but Mandy is going to be here a while.

Sent from my iPhone

On Sep 20, 2017, at 5:22 PM, Kyle Harris <a href="mailto:kharris@corn.org">kharris@corn.org</a>> wrote:

Hi Alex, we are on the line whenever you guys are ready.

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety

Corn Refiners Association

www.corn.org

1701 Pennsylvania Ave NW

Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629

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<image002.gif>

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Wednesday, September 20, 2017 9:39 AM

To: Keniece Barbee <kbarbee@corn.org>; Kyle Harris <kharris@corn.org>

Cc: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Subject: RE: Biogenic CO2

Confirmed – yes still the same number - and copy will do going forward

ED\_002110\_00033618-00003

From: Keniece Barbee [mailto:kbarbee@corn.org]
Sent: Wednesday, September 20, 2017 9:23 AM

To: Dominguez, Alexander <a href="mailto:dominguez.alexander@epa.gov">dominguez, Alexander <a href="mailto:dominguez.alexander@epa.gov">dominguez, Alexander <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a>; Kyle Harris <a href="mailto:kharris@corn.org">kharris@corn.org</a>

Cc: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Subject: RE: Biogenic CO2

Hi Alex,

I've moved the call to 5:15PM ET on the calendar.

Can you please confirm that the following is still the correct call in for today?

866-299-3188, Passcode: 202-564-6082

Also, apologies that I didn't see your email last night when you sent. Going forward please feel free to call my cell for any last minute changes.

Many thanks for your efforts.

# Regards,

### Keniece Barbee

Assistant to President and C.E.O. Corn Refiners Association <image001.png>

1701 Pennsylvania Avenue, N.W.

Suite 950

Washington, DC 20006 Main: (202) 331-1634 Direct: (202) 534-3491 Fax: (202) 331-2054 www.corn.org

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From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Wednesday, September 20, 2017 9:20 AM

To: Kyle Harris < kharris@corn.org>; Keniece Barbee < kbarbee@corn.org>

Cc: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov >

Subject: RE: Biogenic CO2

Great. Thank you for the flexibility.

From: Kyle Harris [mailto:kharris@corn.org]
Sent: Wednesday, September 20, 2017 8:57 AM

To: Dominguez, Alexander < dominguez, alexander@epa.gov>; Keniece Barbee < kbarbee@corn.org>

Cc: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Subject: RE: Biogenic CO2

Alex.

Sorry for just seeing this. 515 will have to do- we are looking forward to it.

Thanks.

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety

Corn Refiners Association

www.corn.org

1701 Pennsylvania Ave NW

Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629

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<image002.gif>

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Tuesday, September 19, 2017 8:14 PM

To: Keniece Barbee <kbarbee@corn.org>; Kyle Harris <kharris@corn.org>

Cc: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Subject: Re: Biogenic CO2

Keniece and Kyle - Are you able to move the 10AM call tomorrow to either 8:45 or 5:15?

Alex

Sent from my iPhone

On Sep 8, 2017, at 10:07 AM, Keniece Barbee < kbarbee@corn.org > wrote:

Alex!

You are the best! Thank you so much for the flexibility.

Happy Friday and have a wonderful weekend.

# Regards,

### Keniece Barbee

Assistant to President and C.E.O. Corn Refiners Association <image001.png>

1701 Pennsylvania Avenue, N.W.

Suite 950

Washington, DC 20006 Main: (202) 331-1634 Direct: (202) 534-3491 Fax: (202) 331-2054

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From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Friday, September 8, 2017 10:05 AM

To: Keniece Barbee < kbarbee@corn.org>; Kyle Harris < kharris@corn.org>

Cc: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Subject: RE: Biogenic CO2

Let's do Wednesday, September 20<sup>th</sup> at 10:00AM.

Conference Line: 866-299-3188

Passcode: 202-564-6082

Anything else just let me know.

From: Keniece Barbee [mailto:kbarbee@corn.org]

Sent: Friday, September 8, 2017 9:52 AM

To: Dominguez, Alexander < dominguez.alexander@epa.gov>; Kyle Harris

<kharris@corn.org>

Cc: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Subject: RE: Biogenic CO2

Hi Alex,

Thank you so much for your quick response to Kyle, this is very important to us.

Unfortunately, John Bode will be in flight during the time you gave on Monday 9/18 and in an all-day Board Meeting on 9/19.

Is there any time between 3-5:00PM on Monday 9/18 OR Wednesday, 9/20, 10:00AM to 1:00PM that could possibly work for this call?

# Regards,

## Keniece Barbee

Assistant to President and C.E.O. Corn Refiners Association <image001.png>

1701 Pennsylvania Avenue, N.W. Suite 950 Washington, DC 20006

Main: (202) 331-1634 Direct: (202) 534-3491 Fax: (202) 331-2054 www.corn.org

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From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Friday, September 8, 2017 9:29 AM

To: Kyle Harris < kharris@corn.org>

Cc: Keniece Barbee < kbarbee@corn.org >; Gunasekara, Mandy

<<u>Gunasekara.Mandy@epa.gov</u>>

Subject: RE: Biogenic CO2

Hey Kyle,

Happy to set something up. Could you do a call Monday, September 18<sup>th</sup> at 11:30AM or Tuesday, September 19<sup>th</sup> at 2:00PM?

Alex

## **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

From: Kyle Harris [mailto:kharris@corn.org]
Sent: Thursday, September 7, 2017 10:17 AM

To: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Cc: Dominguez, Alexander < dominguez.alexander@epa.gov>; Keniece Barbee

<a href="mailto:kbarbee@corn.org">kbarbee@corn.org</a> **Subject:** RE: Biogenic CO2

Importance: High

Mandy,

I hope you were able to enjoy the Labor Day Weekend.

Thanks again for meeting with us on July 26<sup>th</sup>, we thought it was a very productive meeting and hope to maintain an open dialogue with you moving forward.

We were hoping to get a follow up call with you and your core decision makers on the calendar in the coming weeks as we work towards a resolution to the biogenic issue. We participated in EPA's Science Advisory Board Public Meeting last week in Arlington. Through both written and verbal comments we stated the need to place short cycle agriculture biomass on a separate track from woody biomass. We continue to think that Biogenic CO2 from agriculture crops should not and is not properly regulated at this point in time.

We were hoping to get a follow up call with you and your core decision makers on the calendar in the coming weeks as we work towards a resolution to the biogenic issue.

Please do not hesitate to reach out to me should you need any further information or clarification.

Thanks in advance,

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety

Corn Refiners Association

www.corn.org

1701 Pennsylvania Ave NW

Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629

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<image002.gif>

From: Kyle Harris

Sent: Thursday, August 24, 2017 11:44 AM

To: 'Gunasekara, Mandy' < Gunasekara. Mandy@epa.gov>

Cc: 'dominguez.alexander@epa.gov' <dominguez.alexander@epa.gov>; Keniece Barbee

<<u>kbarbee@corn.org</u>> **Subject:** RE: Biogenic CO2

Greetings Mandy,

I just wanted to follow up on my message below.

Thanks again for meeting with us on July 26<sup>th</sup>, we thought it was a very productive meeting and hope to maintain an open dialogue with you moving forward.

We were hoping to get a follow up call with you and your core decision makers on the calendar in the coming weeks as we work towards a resolution to the biogenic issue.

Please do not hesitate to reach out to me should you need any further information or clarification.

Thanks in advance,

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety

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Suite 950, Washington, DC 20006

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<image002.gif>

From: Kyle Harris

Sent: Thursday, August 10, 2017 9:45 AM

To: 'Gunasekara, Mandy' < Gunasekara. Mandy@epa.gov>

Cc: 'dominguez.alexander@epa.gov' <dominguez.alexander@epa.gov>; Keniece Barbee

<a href="mailto:kbarbee@corn.org">kbarbee@corn.org</a> **Subject:** RE: Biogenic CO2

Greetings Mandy,

Thanks again for meeting with us on July 26<sup>th</sup>, we thought it was a very productive meeting and hope to maintain an open dialogue with you moving forward.

We were hoping to get a follow up call with you and your core decision makers on the calendar in the coming weeks as we work towards a resolution to the biogenic issue.

Please do not hesitate to reach out to me should you need any further information or clarification.

Thanks in advance,

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/Workplace Safety

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<image002.gif>

From: Gunasekara, Mandy [mailto:Gunasekara, Mandy@epa.gov]

Sent: Thursday, June 15, 2017 1:03 PM To: Kyle Harris <a href="mailto:kharris@corn.org">kharris@corn.org</a>

Cc: David M. (Max) Williamson < maxwilliamson@williamsonlawpolicy.com >;

Dominguez, Alexander < dominguez.alexander@epa.gov>

Subject: RE: Biogenic CO2

Kyle,

Thank you for the update and I look forward to meeting again soon. I've cc'd Alex Dominguez who can help organize the logistics.

Best, Mandy

From: Kyle Harris [mailto:kharris@corn.org]
Sent: Tuesday, June 13, 2017 3:03 PM

To: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Cc: David M. (Max) Williamson < maxwilliamson@williamsonlawpolicy.com>

Subject: RE: Biogenic CO2

Importance: High

Mandy,

Your lawyers, the Department of Justice, have contacted us regarding our challenge to the Aircraft Rule, as a status report on our abeyance order is due to the DC Circuit June 28<sup>th</sup>. This presents a perfect opportunity to sit down and pick back up our conversation regarding the biogenic issue, and share with you our proposed resolution.

We would like to schedule a meeting at your convenience ahead of this June 28<sup>th</sup> deadline.

Best Regards,

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety

Corn Refiners Association

www.corn.org

1701 Pennsylvania Ave NW Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629

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<image002.gif>

From: Kyle Harris

Sent: Tuesday, May 30, 2017 4:52 PM

To: 'Gunasekara, Mandy' < Gunasekara. Mandy@epa.gov >

Cc: David M. (Max) Williamson < maxwilliamson@williamsonlawpolicy.com >

Subject: RE: Biogenic CO2

Mandy,

I hope you found time to enjoy Memorial Day Weekend. I wanted to follow-up to see if there is anything else I can provide you with to resolve the biogenic issue. Again, we are hopeful for a prompt and permanent resolution to this matter without extended rulemaking and also end all litigation over the Aircraft Rule. We believe the strategy and vehicle discussed in our May 2<sup>nd</sup> meeting will be the most effective way of accomplishing this.

We would like to schedule a follow up meeting/call at your earliest convenience to further discuss. Additionally, please let me know when may be the most appropriate time to request a meeting between Biogenic CO2 Coalition member CEOs and Administrator Pruitt.

Best Regards,

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety

Corn Refiners Association

www.corn.org

1701 Pennsylvania Ave NW Suite 950, Washington, DC 20006

Office: (202) 534-3501

Cell: (410) 924-2629

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<image002.gif>

From: Gunasekara, Mandy [mailto:Gunasekara, Mandy@epa.gov]

**Sent:** Monday, May 08, 2017 4:53 PM **To:** Kyle Harris <a href="mailto:kharris@corn.org">kharris@corn.org</a>

Cc: David M. (Max) Williamson < maxwilliamson@williamsonlawpolicy.com>

Subject: RE: Biogenic CO2

Thank you, Kyle. Appreciate the follow-up.

Best, Mandy

From: Kyle Harris [mailto:kharris@corn.org]

Sent: Monday, May 8, 2017 4:50 PM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Cc: David M. (Max) Williamson < maxwilliamson@williamsonlawpolicy.com>

Subject: RE: Biogenic CO2

Mandy,

I wanted to follow up and confirm that you received the case studies that I sent last week. I can understand how busy you are- and just wanted to make sure they didn't fall unnoticed to the bottom of your email inbox! Attached here should be everything that I have sent your way (or handed in person) regarding Biogenic CO2. Additionally, please find our comments on the proposed significance rule, as it's our most thorough exposition of the legal arguments surrounding this issue.

# Attached you will find:

- Letter sent to Administrator Pruitt upon his confirmation
- One-page overview of the Ag-based Biogenic CO2 issue
- Case Studies developed to frame permitting issues we face
- Comments filed on the Proposed Significance Rule
- Slide deck highlighting EPA Actions/Concerns

I hope you find this information helpful, please don't hesitate to reach out should you have any questions or concerns. Again, we look forward to maintaining an open dialogue and we hope to meet with you regarding next steps in the very near future.

Best Regards,

Kyle

Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Workplace Safety

Corn Refiners Association

www.corn.org

1701 Pennsylvania Ave NW

Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629

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<image002.gif>

From: Kyle Harris

Sent: Tuesday, May 02, 2017 4:29 PM

To: 'Gunasekara, Mandy' < Gunasekara. Mandy@epa.gov>

Subject: Biogenic CO2

Mandy,

Thank you for meeting with us today. Per our discussion, I wanted to forward you some 'case studies' that we have developed that put a story behind some of the permitting issues that the members of my association, and others in the coalition, have dealt with on a consistent basis.

I look forward to maintaining a dialogue moving forward- please do not hesitate to reach out should you need any further information. We look forward to next steps in getting this issue resolved.

Best Regards,

Kyle

### Kyle A. Harris, Esq.

Manager, Environmental Affairs/ Warkplace Safety

Corn Refiners Association

www.corn.org

1701 Pennsylvania Ave NW Suite 950, Washington, DC 20006

Office: (202) 534-3501 Cell: (410) 924-2629

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<image002.gif>

From: Heilman, Joel M. [Joel.Heilman@lyondellbasell.com]

**Sent**: 9/28/2017 6:54:48 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: NAM meeting follow up

## Hi Mandy,

Thanks for your informative remarks at the NAM meeting this morning. It was a pleasure speaking with you after the meeting. I'm in the process of collecting more feedback from some of my colleagues at <u>LyondellBasell</u> on the possibility of ethanol exports generating RINS. I will get back in touch with you after gathering this information and perhaps we can then schedule a meeting.

## Thanks, Joel

Joel M. Heilman Director, Federal Government Relations

LyondellBasell 300 New Jersey Avenue NW Suite 900 Washington, DC 20001

Office:: 202.469.3439 Mobile: 610.331.5390 Fax: 202.347.0130 joel.heilman@lyb.com www.lyb.com

lyondellbasell

Advancing Possible

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From: Stevens, Patrick K - DNR [Patrick.Stevens@wisconsin.gov]

**Sent**: 9/20/2017 8:36:53 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Eberle, Ed - DNR

[Ed.Eberle@wisconsin.gov]; Lamers, Holly J - DNR [Holly.Lamers@wisconsin.gov]

CC: Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Dominguez,

Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

Subject: RE: Racine county

Thanks much. I call would work best for us. Holly, please work with Alex to schedule. Thanks again.

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### Pat Stevens

Administrator – Environmental Management Division

Wisconsin Department of Natural Resources

Phone: 608-264-9210 Cell Phone: 608-516-1180 patrick.stevens@wisconsin.gov



From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Wednesday, September 20, 2017 2:41 PM

**To:** Stevens, Patrick K - DNR <Patrick.Stevens@wisconsin.gov>; Eberle, Ed - DNR <Ed.Eberle@wisconsin.gov> **Cc:** Wagner, Kenneth <wagner.kenneth@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: RE: Racine county

I'm happy to connect, but today is not great. Please work with Alex (cc'd) to set up a time. I look forward to connecting soon.

By chance – is anyone from your team attending the AAPCA conference in Raleigh? I'm headed there tomorrow and would be available to touch base in person. If not, happy to set up a call.

Best, Mandy

From: Stevens, Patrick K - DNR [mailto:Patrick.Stevens@wisconsin.gov]

Sent: Wednesday, September 20, 2017 2:35 PM

To: Eberle, Ed - DNR < Ed. Eberle@wisconsin.gov >; Gunasekara, Mandy < Gunasekara. Mandy@epa.gov >

Cc: Wagner, Kenneth < wagner.kenneth@epa.gov>

Subject: RE: Racine county

Hello Ms. Gunasekara:

We would be available for a call today between 3:15 and 4 pm eastern time, or at 5 pm eastern time, if you are available. If not, do you have some time tomorrow that might work for you? Thanks much!

### We are committed to service excellence.

Visit our survey at <a href="http://dnr.wi.gov/customersurvey">http://dnr.wi.gov/customersurvey</a> to evaluate how I did.

Pat Stevens

Administrator – Environmental Management Division Wisconsin Department of Natural Resources

Phone: 608-264-9210 Cell Phone: 608-516-1180 patrick.stevens@wisconsin.gov



From: Wagner, Kenneth [mailto:wagner.kenneth@epa.gov]

Sent: Wednesday, September 20, 2017 9:12 AM

To: Stevens, Patrick K - DNR <Patrick.Stevens@wisconsin.gov>; eberle.ed@wisconsin.gov; Gunasekara,

Mandy < Gunasekara. Mandy@epa.gov>

**Subject:** Racine county

Pat/Ed:

I have copied Mandy Gunasekara on this correspondence as she and I spoke briefly about your questions concerning Racine County. Hopefully, you all can coordinate a call to discuss the matter.

Please let me know if I can further assist.

Ken

## Kenneth E. Wagner

Senior Advisor to the Administrator For Regional and State Affairs US Environmental Protection Agency

202-564-1988 office 202-309-2418 cell

wagner.kenneth@cpa.gov

From: Miles Keogh [mkeogh@4cleanair.org]

**Sent**: 9/18/2017 6:22:31 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Miles Keogh & FW: NACAA Meeting

Mandy, I got your voicemail and it put a big smile on my face. Thanks. Before I was hired I know we made some choices here that didn't make working together easy (only some of which have to do with the places and times we ran our meetings) and I'm working on changing that moving forward. If I can do anything to connect EPA and the state & local agencies, please count on it. I'm looking forward to working together!

My best, Miles

Miles Keogh NACAA (202) 624-7864

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Monday, September 18, 2017 10:30 AM

To: Miles Keogh <mkeogh@4cleanair.org>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany

<bol><bolen.brittany@epa.gov>

Cc: Wagner, Kenneth < wagner.kenneth@epa.gov>
Subject: RE: Miles Keogh & FW: NACAA Meeting

#### Hi Miles,

I'm following up to a voicemail I just left you, but apologies for the overdue response! Thank you for the opportunity to engage with NACAA and I certainly understand the need to move forward in the planning. It is hard for me to get out to the West Coast, especially now as there are a lot of priority OAR actions working through the process. Please keep me in mind for future opportunities – formal or informal. I worked with Bill previously and appreciate the perspective NACAA brings to the table. I look forward to working with you and your team going forward.

Best, Mandy

From: Miles Keogh [mailto:mkeogh@4cleanair.org]
Sent: Thursday, September 14, 2017 4:43 PM

**To:** Gunasekara, Mandy < <u>Gunasekara.Mandy@epa.gov</u>>; Dravis, Samantha < <u>dravis.samantha@epa.gov</u>>; Bolen, Brittany

<br/><bolen.brittany@epa.gov>

Cc: Wagner, Kenneth < wagner.kenneth@epa.gov > Subject: RE: Miles Keogh & FW: NACAA Meeting

Dear Mandy, Samantha, Brittany,

I'm just closing the loop on a speaking invite for our next meeting. I had the best conversation with Ken Wagner at the ECOS meeting this week, he explained how challenging it is lining up the schedules at EPA, and I really appreciated his reaching out. I had left messages with y'all before heading out to Wyoming following up on our outstanding meeting invite from my leadership (Montana and Puget) to speak to NACAA members in Seattle in a couple weeks. Given the swinging objects crashing into open space in folks' calendars, I'm very understanding about how tough that is to make work, and I'm letting you off the hook.

As it happens, we've got a lot of member interest in the ongoing wildfires that are challenging Western members in particular, but locals as far east as North Carolina too. I know we'd asked you to speak, but given the near date of the meeting and urgency of the wildfires, I think we're going to fill that space in our Seattle agenda with some technical exchange on that issue. I hope you'll accept my apology for rescinding that invitation - just because Seattle didn't work out doesn't mean I won't be coming back to seek your input & perspectives – our meetings next year are planned for DC and Ann Arbor, so maybe those will work better.

I'm sincerely eager about working with y'all moving forward. NACAA is the place where state and local agencies engage in a national marketplace of ideas about clean air, and EPA is by far our most important partner. If I can do anything to make that partnership flourish, please don't hesitate to ask.

Thanks again and best regards, Miles

Miles Keogh NACAA (202) 624-7864

From: Miles Keogh

Sent: Friday, September 8, 2017 4:09 PM

To: 'lovell.william@epa.gov' <lovell.william@epa.gov>

Subject: Miles Keogh & FW: NACAA Meeting

Will, good talking with you today and thanks for putting up with the Friday afternoon drive-by.

I'm looking to see if I can get a few minutes to connect with Brittany Bolen to introduce myself – I'm the new guy and my being brought aboard at NACAA is sort of an organizational reset. My background is in utilities and the power sector, advising state regulators at NARUC.

Next Thursday or Friday between 8 am and 3:30 pm I could move anything around if there was availability for a call (those evenings though, I have some things I'm doing for my wife's birthday.) Any time September 19 and 20 I also have that kind of flexibility. I hope we can figure something out.

One more urgent loose end I am trying to tie up is whether anyone from EPA can participate in our upcoming meeting in Seattle – this was an ask from our members in Montana, Washington, Ohio and Wisconsin that predates my hire. Recognizing it's not super convenient timing given everything going on, I'd sure like to make other plans if y'all can let us off the hook. See the email below for context.

At a high level I'm looking to drive value to my state and local agency members, help them discharge their obligations under the clean air act to protect public health and assure clean air, and contribute the the growing marketplace of ideas around cooperative federalism. I don't have a specific policy ask or agenda – I'm setting the stage for a productive relationship between the folks out in the world and the folks here in DC.

I'm looking forward to making something work. My best, Miles

Miles Keogh NACAA (202) 624-7864 From: Klemp, David [mailto:DKlemp@mt.gov]
Sent: Tuesday, August 01, 2017 4:52 PM

To: Gunasekara.mandy@epa.gov; Dravis.samantha@epa.gov; Bolen.brittany@epa.gov

Cc: Mary Sullivan Douglas

Subject: FW: Invitation to NACAA Meeting

Dear Ms. Gunasekara, Ms. Dravis and Ms. Bolen,

On behalf of the National Association of Clean Air Agencies (NACAA) we are pleased to invite you to participate in the NACAA Fall Membership Meeting, to take place in Seattle, WA on September 25-27, 2017. The session in which we hope you will participate is "EPA Priorities, Executive Orders and the Regulatory Landscape" on Monday, September 25, 2017, from 2:00 p.m. to 3:15 p.m.

In particular, we invite Mandy to discuss the Administrator's priorities for the Office of Air and Radiation and Samantha and/or Brittany to discuss the various Executive Orders and their implications for the regulatory landscape, especially with respect to the air program.

We are flexible on how the session would be structured but envision approximately 40 minutes for presentation and 30 minutes for open discussion with NACAA members.

Our membership meetings typically attract 100-120 attendees from federal, state and local air quality programs around the country. In case you are not familiar with our organization, NACAA is a national, non-partisan, non-profit association of state and local air pollution control agencies in 45 states, the District of Columbia and four territories.

We look forward to hearing from you and hope very much that you can participate. If you have any questions or would like to discuss this session further, please contact Mary Sullivan Douglas of NACAA at (202) 624-7864 or mdouglas@4cleanair.org.

Regards,

David Klemp, NACAA Co-President

Bureau Chief

Air Quality Bureau

Montana Department of Environmental Quality

dklemp@mt.gov

(406) 444-0286

Craig Kenworthy, NACAA Co-President

**Executive Director** 

Puget Sound Clean Air Agency

craigk@pscleanair.org

(206) 689-4004

**Bart Sponseller** 

Director, Bureau of Air Management

Wisconsin Department of Natural Resources

bart.sponseller@wisconsin.gov

(608) 264-8537

Sam Rubens, NACAA Co-Vice President

Administrator

Akron Regional Air Quality Management District

srubens@schd.org

(330) 812-3874

From: Lee Fuller [lfuller@ipaa.org]
Sent: 9/20/2017 4:59:07 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Methane Regulations -- Meeting Request

Attachments: Issues to Address with EPA on Oil and Natural Gas Production Regulation.docx

# Alexander,

Following is a list of the attendees for the October 2 meeting.

Lee Fuller – IPAA
Susan Ginsberg – IPAA
Samantha McDonald – IPAA
James Elliott – Spilman Thomas
Gretchen Kern – Pioneer Natural Resources
Lesley Schaaff – Hess Corporation
Rudy Vogt – Kentucky Oil and Gas Association
Shawn Bennett – Ohio Oil and Gas Association
Jeff Formica – Seneca Resources
Shane Kriebel – Pennsylvania Independent Oil and Gas Association

If there are any changes, I will let you know.

Additionally, I am attaching an outline that identifies the issues that we will use as a basis for our discussions during the meeting. It may change somewhat but not extensively prior to the meeting.

Please let me know what additional information you need, any procedural steps we need to take and what location in the building we need to enter.

Thanks,

## Lee Fuller

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Wednesday, September 13, 2017 11:34 AM

To: Lee Fuller < lfuller@ipaa.org>

Subject: RE: Methane Regulations -- Meeting Request

Appreciate it Lee.

From: Lee Fuller [mailto:lfuller@ipaa.org]

Sent: Wednesday, September 13, 2017 11:14 AM

To: Dominguez, Alexander < dominguez.alexander@epa.gov>

Subject: RE: Methane Regulations -- Meeting Request

## Excellent. I'll get you a list of attendees in a few days.

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Wednesday, September 13, 2017 11:03 AM

To: Lee Fuller < ifuller@ipaa.org>

Subject: RE: Methane Regulations -- Meeting Request

Great – I have you down for Monday, October 2 at 10:30AM.

Location: 1200 Pennsylvania Avenue, NW.

Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station.

https://www.epa.gov/sites/production/files/2013-08/federaltrianglemap5.jpg

EPA Contact: For an escort from Security to the meeting call 202-578-5985 or 202-564-3164.

Anything else just let me know.

## **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

From: Lee Fuller [mailto:lfuller@ipaa.org]

Sent: Wednesday, September 13, 2017 8:54 AM

Subject: Re: Methane Regulations -- Meeting Request

To: Dominguez, Alexander < dominguez.alexander@epa.gov>

We can do an October 2 meeting. Either time would work with a preference for 10:30.

Lee Fuller

Sent from my iPhone

On Sep 12, 2017, at 4:38 PM, Dominguez, Alexander < dominguez.alexander@epa.gov> wrote:

Lee – Could you do Monday, October 2 at 10:30AM or 2:00PM? If so, I just need a list of attendees and we should be all set.

#### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency From: Lee Fuller [mailto:lfuller@ipaa.org]
Sent: Tuesday, September 12, 2017 4:08 PM

To: Gunasekara, Mandy <a href="mailto:Gunasekara.Mandy@epa.gov">Gunasekara,Mandy@epa.gov</a>
Cc: Dominguez, Alexander <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a>
Subject: RE: Methane Regulations -- Meeting Request

Mandy,

If those are too booked, I'd like to then look to October 2-5.

Thanks,

## Lee

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Tuesday, September 12, 2017 4:05 PM

To: Lee Fuller < !fuller@ipaa.org>

**Cc:** Dominguez, Alexander < <u>dominguez.alexander@epa.gov</u>> **Subject:** Re: Methane Regulations -- Meeting Request

Hi Lee,

Happy to meet. Those are popular dates and I think I'm booked up. The following week i have some availabilities. I've CC'd Alex who can help firm up a time that works.

Best, Mandy

Sent from my iPhone

On Sep 12, 2017, at 3:32 PM, Lee Fuller < Ifuller@ipaa.org > wrote:

Mandy,

Prior to your participation in IPAA October 17 meeting, I would like to schedule a meeting with you to discuss IPAA's array of issue regarding Subparts OOOO and OOOOa and the Control Techniques Guidelines with respect to both policy issues and technical issues.

Would it be possible to arrange a meeting on either September 21 or 22? If not, I'll suggest some other dates.

Thanks,

Lee Fuller

From: Horton, Melissa H. [MHIGGINS@southernco.com]

**Sent**: 9/8/2017 12:36:07 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Willis, Sharnett

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=97b55bdfac5e41d8aa81064dfa2cb944-Willis, Sharnett1

**Subject**: Re: Great opportunity!

Perfect! Thank you.

Melissa Horton

Federal Environmental Affairs

Office: (202) 261-5014 Cell: (205) 613-8320

On Sep 8, 2017, at 7:30 AM, Dominguez, Alexander <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a> wrote:

Not a problem - I've cc'd Sharnett who already has the info and attachments you all previously provided. Sharnett - let me know what you need from me or Mandy and happy to provide. Mandy is pretty back-to-back today but has a few minutes at 12:30 if we need to discuss. The information needs to be submitted today as the deadline is tomorrow.

#### Alex

----Original Message----

From: Horton, Melissa H. [mailto:MHIGGINS@southernco.com]

Sent: Thursday, September 7, 2017 3:22 PM

To: Dominguez, Alexander <dominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov>>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov<mailto:Gunasekara.Mandy@epa.gov>>

Subject: Re: Great opportunity!

Alex, I wanted to pass along the person at EIPF that will work the logistics for getting Mandy's room reserved and her registration confirmed. Would you put Sharnett in contact with Marcus please? Thanks so much.

Marcus Johnson

marcus@emergingissuespolicyforum.org<mailto:marcus@emergingissuespolicyforum.org><mailto:marcus@emergingissuespolicyforum.org>

(352) 557-4820<tel:(352)%20557-4820> phone

Melissa Horton

Federal Environmental Affairs

Office: (202) 261-5014 Cell: (205) 613-8320

On Sep 5, 2017, at 12:20 PM, Dominguez, Alexander <a href="cdominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov>> wrote:</a>

Hey Melissa,

Hope you had a nice holiday weekend. Great news - Mandy just reached out to our travel department and is planning to be at EIPF in order to attend the women's dinner Saturday night, the events on Sunday and Monday, and speak on Tuesday morning.

Once I hear from Sharnett, who handles Mandy's travel, I will either reach back out to you or connect you two via email.

Anything else feel free to give me a call or email.

#### Alex

----Original Message----

```
From: Horton, Melissa H. [mailto:MHIGGINS@southernco.com]
Sent: Thursday, August 31, 2017 3:48 PM
To: Dominguez, Alexander
<dominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov>>
Subject: RE: Great opportunity!
That sounds great! Thank you very much.
Melissa
----Original Message----
From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov] Sent: Thursday, August 31, 2017 3:46 PM To: Horton, Melissa H.
<MHIGGINS@southernco.com<mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com>>
Subject: RE: Great opportunity!
Hey Melissa - Appreciate you getting me this information. I let Mandy know and she is just trying to
coordinate a few things with her husband. I will get back to you as soon as I have more information for
vou.
Alex
----Original Message----
From: Horton, Melissa H. [mailto:MHIGGINS@southernco.com]
Sent: Wednesday, August 30, 2017 8:44 PM
To: Dominguez, Alexander
<dominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov>>
Subject: Re: Great opportunity!
Hi Alex. It looks like the 11:00 - 12:20pm (local) time slot on Tuesday, Oct. 10th is the one being chosen for the panel Mandy (and Alex) will be on. I'm so sorry about it not being close enough to the
women's dinner, but my hope is to make some introductions for Mandy while she is there. Let me know what
else I can assist with; I'm happy to help!
Melissa Horton
Federal Environmental Affairs Manager
Southern Company
202.261.5014 office
205.613.6320 cell
On Aug 30, 2017, at 1:08 PM, Dominguez, Alexander
dominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mail<
to:dominguez.alexander@epa.gov>> wrote:
Hey Melissa - When you get a chance can you please give me a call. It will only take a minute or so, I
just want to clarify a few items about the forum for Mandy. 202-578-5985.
Appreciate it,
Alex
----Original Message----
From: Horton, Melissa H. [mailto:MHIGGINS@southernco.com]
Sent: Friday, August 11, 2017 3:41 PM
To: Dominguez, Alexander
<dominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mail</pre>
to:dominguez.alexander@epa.gov>>
Subject: RE: Great opportunity!
Thanks! And no apologies needed.
You have a great weekend too!
Melissa
From: Dominguez, Alexander
[dominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mail
to:dominguez.alexander@epa.gov>]
Sent: Friday, August 11, 2017 2:58 PM
To: Horton, Melissa H.
Subject: RE: Great opportunity!
Hey sorry for the delay. Thank you for sending over this information and I'll make sure she has it for
the call Monday at 2:30. Anything else let me know. Have a good weekend!
Alex
```

From: Horton, Melissa H. [mailto:MHIGGINS@southernco.com]

Sent: Wednesday, August 9, 2017 3:39 PM

To: Dominguez, Alexander

<dominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.g

to:dominguez.alexander@epa.gov>>

Cc: Gunasekara, Mandy

<Gunasekara.Mandy@epa.gov<mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><mailto:Gunasekara.Mandy@epa.gov><ma

kara.Mandy@epa.gov>>

Subject: RE: Great opportunity!

Hi Alex. I'd like to provide a few additional details for the Emerging Issues Policy for you and Mandy. I've included 4 attachments regarding registration and location details, but want to let you know that Mandy's airfare, hotel and registration would be covered by EIPF if she's able to participate. Another speaker that has been confirmed for the panel/section we would like Mandy to participate in is Alex Dunn from ECOS.

I've also just gotten notification that the hotel room block is filling up quickly, but you must be registered to have a room held. If Mandy is available and would like to participate, I'd like to get her registered as soon as we can. I'm still available to have the call on Monday. Thank you again!

(If all else fails and the rooms fill up, Mandy can have my room reservation and I will stay outside of the block, so no worries! :))

Melissa

Invite from EIPF:

On behalf of the Emerging Issues Policy Forum (EIPF), it is our pleasure to invite you to attend our 16th annual Energy Forum to be held October 8-10, 2017, at Eau Palm Beach Resort & Spa in Manalapan, Florida. In order to promote dynamic and meaningful dialogue, participation is limited to 100 top-level policymakers, consumer advocates, regulators and industry leaders.

This year's event will also include a Women's Energy & Innovation Network (WeIN) dinner, which will be held on Saturday evening, October 7, 2017. This forum is designed to facilitate dialogue with women in energy and to foster a better understanding of the key opportunities and challenges currently facing women in the energy industry.

Each year our forum participants include leaders from the energy regulatory community. This year, we have confirmed the participation of over 40 federal and state regulators, legislators and consumer advocates from across the country who are experts on energy issues.

Given the substantive discussion and analysis of legal issues, the Florida Bar approves continuing legal education (CLE) credits for participation at our forums. Course attendance cards will be available upon registration for both in- state and out of state credit. Generally, bar associations across the nation allow for state reciprocity.

Your participation, along with key members of your team, would be a tremendous asset to having a successful dialogue on emerging energy issues. Attached, please find the registration materials for your convenience. To reserve your space now, please complete and fax back by September 9, 2017. Space and hotel rooms are limited. Should you require additional information, feel free to contact Marcus Johnson at (352) 557-4820.

We look forward to seeing you in October.

Sincerely,

Wanyonyi Kendrick Executive Director

----Original Message----

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Friday, August 04, 2017 9:20 AM

```
To: Horton, Melissa H.
<MHIGGINS@southernco.com<mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><ma
southernco.com><mailto:MHIGGINS@southernco.com>>
Subject: RE: Great opportunity!
Perfect. I'll have Mandy give you a call at the office number listed in your signature. Have a good
weekend.
Alex
----Original Message----
From: Horton, Melissa H. [mailto:MHIGGINS@southernco.com]
Sent: Friday, August 4, 2017 9:01 AM
To: Dominguez, Alexander
 <dominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mail</pre>
to:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov>>
Subject: RE: Great opportunity!
Thank you for getting back to me so quickly, Alex. Please schedule me for 2:30pm on Aug. 14 (Monday).
Thank you so much!
Melissa Horton
202-261-5014 (office)
205-613-8320 (cell)
From: Dominguez, Alexander
 [dominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mail
to:dominguez.alexander@epa.gov>]
Sent: Friday, August 04, 2017 8:23 AM
To: Horton, Melissa H.
Subject: RE: Great opportunity!
Morning Melissa - Mandy is currently traveling through most of next week. Could you do a call Monday, August 14 or Wednesday, August 16 at 11:00, 2:00, or 2:30?
Best,
Alex
```

Alex Dominguez

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

From: Gunasekara, Mandy

Sent: Thursday, August 3, 2017 5:00 PM

To: Horton, Melissa H.

<MHIGGINS@southernco.com<mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com>

Cc: Dominguez, Alexander

<dominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov><mailto:dominguez.alexander@epa.gov>>

Subject: Re: Great opportunity!

Hi Melissa,

I'd be happy to chat and thank you for passing along the opportunity. I've CC'd Alex who can set up a time.

I hope all is well!

Best,

Mandy

Sent from my iPhone

On Aug 3, 2017, at 1:13 PM, Horton, Melissa H. <MHIGGINS@southernco.com<mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com%3cmailto:MHIGGINS@southernco.com%3cmailto:MHIGGINS@southernco.com%3cmailto:MHIGGINS@southernco.com><mailto:MHIGGINS@southernco.com><>>> wrote:

Hi Mandy. I hope you are doing well - I know everything is crazy busy! Thank you for all you are doing.

If you are interested... I believe your current role and background lends itself to a great opportunity to speak at an Emerging Issues Policy Forum in Florida in mid-October (October 8 - 11, dates are still flexible during that week). There is a section of this that's women only where many impressive women join others to learn and share experiences across the utility industry. The topics include environmental regulatory reform for regulations impacting electric and gas utilities. The Forum is attended by state Public service commissioners from across the country and FERC commissioners and utility industry reps, and many of our executives have spoken there in the past.

I'd love to speak with you about it if you are interested in being on a panel for the event. Thank you and I look forward to seeing you again soon!

Melissa H. Horton

Federal Environmental Affairs Manager

Office 202-261-5014 I Mobile 205-613-8320

<image001.gif>

From: Larry Schafer [Ischafer@playmakerstrategies.com]

**Sent**: 9/19/2017 7:35:30 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; 'Larry Schafer'

[Ischafer@playmakerstrategies.com]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Finalizing Biodiesel Meeting set for Wednesday at 1 pm at EPA

Thank you sir!

Larry Schafer Playmaker Strategies 202.997.8072

750 Ninth Street NW Suite 650 Washington DC 20001

<u>Lschafer@PlaymakerStrategies.com</u> www.PlaymakerStrategies.com

\_\_\_\_\_

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Tuesday, September 19, 2017 3:34 PM

**To:** Larry Schafer < lschafer@playmakerstrategies.com> **Cc:** Gunasekara, Mandy < Gunasekara.Mandy@epa.gov>

Subject: RE: Finalizing Biodiesel Meeting set for Wednesday at 1 pm at EPA

Location: 1200 Pennsylvania Avenue, NW.

Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station.

https://www.epa.gov/sites/production/files/2013-08/federaltrianglemap5.jpg

EPA Contact: For an escort from Security to the meeting call 202-578-5985 or 202-564-3164 and I will come escort you to the room.

## **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

From: Larry Schafer [mailto:lschafer@playmakerstrategies.com]

Sent: Tuesday, September 19, 2017 3:28 PM

**To:** Dominguez, Alexander < <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a> <a href="mailto:Cc: Gunasekara">Cc: Gunasekara</a>, Mandy <a href="mailto:Gunasekara">Gunasekara</a>, Mandy <a href="mailto:Gunasekara">Guna

Subject: Finalizing Biodiesel Meeting set for Wednesday at 1 pm at EPA

Alexander,

We are meeting with Mandy tomorrow at 1 pm.

Would you be kind enough to provide me with a meeting room and your phone number so that I can bring my folks to the appropriate location.

Thank you.

Larry Schafer Playmaker Strategies 202.997.8072

750 Ninth Street NW Suite 650 Washington DC 20001

<u>Lschafer@PlaymakerStrategies.com</u> www.PlaymakerStrategies.com

From: Larry Schafer [mailto:lschafer@playmakerstrategies.com]

Sent: Tuesday, September 19, 2017 10:35 AM

To: 'dominguez.alexander@epa.gov' <<u>dominguez.alexander@epa.gov</u>>
Subject: Finalizing Biodiesel Meeting set for Wednesday at 1 pm at EPA

Alexander,

We are set to meet with Mandy tomorrow at 1 pm.

Would you be kind enough to provide the room location for the meeting?

Thank you.

\_\_\_\_\_

Larry Schafer Playmaker Strategies 202.997.8072

750 Ninth Street NW Suite 650 Washington DC 20001

<u>Lschafer@PlaymakerStrategies.com</u> <u>www.PlaymakerStrategies.com</u>

From: Gunasekara, Mandy [mailto:Gunasekara, Mandy@epa.gov]

Sent: Tuesday, September 12, 2017 1:59 PM

To: Larry Schafer < lschafer@playmakerstrategies.com>; Dravis, Samantha < dravis.samantha@epa.gov>

Cc: Dominguez, Alexander < >

Subject: RE: Biodiesel Meeting Request for Next Week

Hi Larry,

I'd be happy to meet. I'm looping in Alex to help with logistics. My only availability is at 1 pm on the 20<sup>th</sup> (I'm down in Raleigh on the 21<sup>st</sup>).

Best, Mandy

From: Larry Schafer [mailto:lschafer@playmakerstrategies.com]

Sent: Tuesday, September 12, 2017 1:04 PM

To: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov >; Dravis, Samantha < dravis.samantha@epa.gov >

**Subject:** Biodiesel Meeting Request for Next Week

Samantha and Mandy,

Hope you are well. I know you all have been busy on hurricane issues and we appreciate your commitment and help to our friends and families in Texas and Florida.

Next week a trio of Biodiesel and Renewable Diesel CEO's and Executive Leadership team members will be in Washington DC.

We would like to meet with you on Wednesday the 20<sup>th</sup> or Thursday the 21<sup>st</sup> to discuss issues related to biodiesel, the RVO's, Trade, and many other related issues.

The following would like to meet with you:

Gene Gebolys, CEO of World Energy, owns 4 facilities (Texas, Mississippi, Georgia and Pennsylvania) with approximately 230 million gallons of production.

Co-Chair of NBB's RFS Working Group

Jonathan Phillips, General Counsel at RBF, Port Naches, the largest biodiesel plant in the United States (185 million gallons).

RBF has testified at the Dep't of Commerce related to biodiesel trade issues.

Bryan Sherbacow, CEO of AltAir Fuels, an integrated refiner of renewable jet, renewable diesel, and renewable chemicals. (30 million gallon facility in California).

Also joining our team will be Anne Steckel. Anne and I have worked together for the past 7-10 years on RFS related issues for the biodiesel industry since the first RVO for Biomass-based Diesel was put in place in 2010.

We clearly appreciate your leadership on these difficult issues. Our team here at Playmaker Strategies worked with eleven companies representing 16 biodiesel processing facilities, over 400 million gallons, in preparing comments to EPA's most recent RVO proposal.

Please let us know of your availability for next week.

Thank you.

\_\_\_\_\_

Larry Schafer Playmaker Strategies 202.997.8072

750 Ninth Street NW Suite 650 Washington DC 20001

<u>Lschafer@PlaymakerStrategies.com</u> <u>www.PlaymakerStrategies.com</u>

**From**: The White House [noreply@whitehouse.gov]

**Sent**: 9/13/2017 6:02:05 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RSVP Confirmation

# THE WHITE HOUSE

## WASHINGTON

Dear Amanda,

Thank you for submitting your RSVP. We have received your information. Please reach out to your point of contact with any questions.

Sincerely,

The White House

The White House • 1600 Pennsylvania Avenue, N.W. • Washington, D.C. 20500 • 202-456-1111

From: Bodine, Susan (EPW) [Susan\_Bodine@epw.senate.gov]

**Sent**: 9/22/2017 3:35:43 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Automatic reply: NSR

Susan Bodine is no longer with the Senate Environment and Public Works Committee. Please contact Matt Leggett at matt\_leggett@epw.senate.gov or Teri Donaldson at teri\_donaldson@epw.senate.gov to determine where to direct your inquiry.

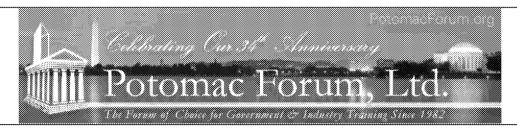
From: Potomac Forum Training Workshops [ManagingPerformance&Conduct@PotomacForumWorkshop.org]

**Sent**: 9/11/2017 2:32:02 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: [SPAM] Early Bird Registration Now: Gov Employee Conduct and Performance in Response to EO



1

Speakers from OPM, DOL, CNCS and more....
Implementing Workforce Accountability and
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in the Modern Federal Workplace and
How to Meet the Requirements of

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**Executive Order 13781 Training Workshop** 

Wednesday, September 27, 2017

Early Bird Reduced Registration Until Sept 15th

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Location of Workshop: Willard InterContinental Hotel Washington, D.C.

**Guest Speakers:** 

Kristin McNally
Director, Office of Employee Engagement
Office of the Assistant Secretary for Administration and Management
U.S. Department of Labor

Marcus Brownrigg

Strategic Partnerships and Communications Advisor, Office of the CEO Corporation for National and Community Service (CNCS)

**Rebecca Ayers** 

Manager, Performance Management Solutions (PMS), U.S. Office of Personnel Management (OPM)

(Invited)

Mika Cross

Recognized Federal Workplace Expert and frequent TV Guest on "Government Matters"

00 000 100

Deb Tomchek Vice President

ICF

Former Director of Human Resources, U.S. Department of Justice (DOJ)

Former Director of Human Resources, U.S. Department of Commerce (DOC)

001 X00 00X

Jeffery Neal
Senior Vice President,
ICF International
(former Chief Human Capital Officer for the DHS)
Frequent TV Guest Expert & Speaker on Federal Workplace

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The Press is Not Permitted to Encourage

## Candid Discussion in our 100% Learning Environment

#### Overview:

The President issued an Executive Order (EO) on March 17, 2017 which emphasizes the need to maximize employee performance by better managing poor performance and conduct and ensuring transparency in the Performance Improvement Process (PIP). This Potomac Forum Training Workshop for Government will provide information for Agency Executives, Managers and Staff to meet the long term requirements for workforce accountability and performance management efforts in response to the EO.

Experienced Human Capital Executives and Leadership Experts will share their insight and experience in developing and implementing long-term and near-term workforce management practices that will help attendees understand how best to improve performance, increase accountability and reduce costs.

This workshop will provide you with practical, easy to implement tools and resources to help you achieve the best results for managing performance and conduct in the workplace to achieve the goals of E.O. 13781 while enhancing employee performance to increase mission efficacy and increase retention.

#### What You Will Learn:

- Understand how to quickly differentiate between employee performance and conduct issues and what you need to know to quickly address employee discipline and/or termination
- Identify the competencies needed as a successful supervisor to maximize employee performance and how to avoid common pitfalls to managing performance and conduct in the modern workplace
- Know where to find practical support, assistance and resources to effectively deal with performance and conduct issues in the workplace
- Adopt promising practices that drive positive outcomes by leveraging the Federal Employee Viewpoint Survey Results into actionable steps to cultivate an inclusive, high-performing culture designed to retain top talent and maximize employee potential and performance

## Why You Should Attend:

- Maximize employee performance by focusing on concrete steps to increase performance and effectively deal with poor performers;
- Optimize employee recognition programs designed to recognize, reward and retain top performers;
- Build your toolkit for cultivating a culture of engagement and accountability designed to achieve enhanced organizational and individual performance

## Who Should Attend:

- Federal supervisors and managers
- Federal HR Executives, managers and staff
- Anyone responsible for implementing Agency restructuring plans
- Federal employees or members of employee affinity groups
- Communications practitioners responsible for leading change management and internal communications campaigns
- IGs and Staff
- Industry Partners who support the government

Press is NOT INVITED to attend this educational program

## Format:

Lecture, guest speakers, and practical exercises.

CEUs Awarded Upon Workshop Completion

Press is NOT Invited to Register or Attend

Early Bird Reduced Registration Until Sept 15th "Send-A-Team" Registration Fees

No Press to Promote Candid Discussion

**Registration and Information:** 

www.potomacforum.org

Call: (703) 683-1613 Info@PotomacForum.org

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This email was sent to: gunasekara.amanda@epa.gov

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This email was sent by: Potomac Forum, Ltd. 400 North Washington Street , Alexandria , Virginia, 22314 , USA

From: Chris Bliley [cbliley@growthenergy.org]

Sent: 9/20/2017 10:43:11 AM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Re: First Word Alert: EPA Sends 2018 Renewable Fuel Standard to White House for Review

Thanks Mandy - much appreciated

On Sep 19, 2017, at 11:47 PM, Gunasekara, Mandy < <u>Gunasekara.Mandy@epa.gov</u>> wrote:

Hey Chris, Sorry for late response- this is a notice of data availability related to the proposed RVO packet. It's not the final packet. Happy to discuss further although tomorrow my schedule is jam packed.

Sent from my iPhone

On Sep 19, 2017, at 4:59 PM, Chris Bliley <<u>cbliley@growthenergy.org</u>> wrote:

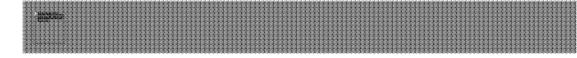
Mandy, hope this finds you well. I'm getting a few questions on this end – is this the final RVO that is now at OMB for review or something else? Any clarification is greatly appreciated. Thanks – Chris

From: Bloomberg Government [mailto:alerts@bgov.com]

**Sent:** Tuesday, September 19, 2017 3:06 PM **To:** Chris Bliley <<u>cbliley@growthenergy.org</u>>

Subject: First Word Alert: EPA Sends 2018 Renewable Fuel Standard to

White House for Review



# EPA Sends 2018 Renewable Fuel Standard to White House for Review

Sy Ari Natter | September 19, 2017 03:05PM ET | Bloomberg First Word

White House budget office is reviewing EPA's final renewable fuel standard rule for 2018, according to online notice.

- Proposed version of rule requires refiners use 15b gallons of convention renewable fuels in 2018, mirroring 2017 requirement
- Related: U.S. Is Said to Favor Midwest Corn Farmers in Biofuels Quota

To contact the reporter on this story:
Ari Natter in Washington at anatter5@bloomberg.net

To contact the editors responsible for this story: Jon Morgan at <a href="mailto:immorgan97@bloomberg.net">immorgan97@bloomberg.net</a> Kim Chipman

Emissions & Renewable Fuel Standard News News Alert

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From: BARLOW, CHUCK D [cbarlow@entergy.com]

**Sent**: 9/19/2017 1:29:34 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**CC**: Schatte, Conrad [cschatt@entergy.com]

Subject: voice mail

Mandy, thanks so much for your voice mail yesterday. I'm in a meeting all day today but will try to get in touch with you soon. Conrad Schatte of our DC office tells me that you guys talked, and it was about the same subject matter. Thanks, and have a good day.



## Chuck D. Barlow

Vice President, Environmental Strategy & Policy 308 E. Pearl St., Suite 700 (M-ELEC- 4F) Jackson, MS 39201 (O) 601-969-2542 (C) 601-668-7383

cbarlow@entergy.com

From: David Friedman [david.friedman@consumer.org]

**Sent**: 9/20/2017 4:53:41 PM

To: Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Gunasekara, Mandy

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Shannon Baker-Branstetter [sbaker-branstetter@consumer.org]

Subject: Re: Thank you and follow up from meeting with Consumers Union

Attachments: Hill Letter for HD Trucks Fuel Economy.pdf

Hello Brittany and Mandy,

In the spirit of keeping up lines of communication, I wanted to let you know that Consumer Reports today released the results of its fuel economy testing for heavy-duty pickups.

As part of that piece, I called on EPA and NHTSA to make fuel economy, emissions, and fueling costs public to help consumers. I've also sent a letter to the authorizing and appropriating committees encouraging them to provide EPA and NHTSA with the funding needed to help get the information out, including through window stickers, and to improve its accuracy.

Here is the link to the story: <a href="https://www.consumerreports.org/pickup-trucks/heavy-duty-pickup-truck-fuel-economy/">https://www.consumerreports.org/pickup-trucks/heavy-duty-pickup-truck-fuel-economy/</a>

The letter is attached.

Please let us know if you have any questions.

Sincerely, David

On Thu, Aug 3, 2017 at 1:59 PM, David Friedman < david.friedman@consumer.org > wrote: Brittany and Mandy,

Thank you from me as well. Please let us know if you have any questions going forward.

Regards, David

David Friedman 202-489-1842

On Thu, Aug 3, 2017 at 1:45 PM, Shannon Baker-Branstetter < <u>sbaker-branstetter@consumer.org</u>> wrote: Brittany and Mandy,

Thank you again for taking the time to meet with Consumers Union, Consumer Federation of America, Ceres and ACEEE earlier this week. We appreciated the chance to share our perspectives and learn more about EPA's plans for soliciting stakeholder input into the rulemaking and comment proceedings on greenhouse gas standards for light-duty vehicles. Please see below for materials on our reports and surveys for your consideration, which we will also include in the public docket(s) moving forward. Thank you again for your time, and we look forward to speaking with you and your team again as your efforts continue.

Sincerely, Shannon Baker-Branstetter

#### Fact Sheet on Fuel Economy

#### **Report Summaries**

Affordability Report Owner Satisfaction Consumer Savings Survey results

\_\_

Shannon Baker-Branstetter Senior Policy Counsel, Energy and Environment Consumers Union, Policy and Action from Consumer Reports 1101 17th Street, NW, Suite 500

office: 202.462.6262 direct: 202.238.9253 cell: 571.225.8128 Twitter: @SBB\_CU

Washington, DC 20036

www.ConsumersUnion.org/energy

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ED\_002110\_00033785-00002

From: Reitter, Annabeth [Annabeth.Reitter@domtar.com]

**Sent**: 9/26/2017 2:34:15 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Gunasekara, Mandy

[/o=ExchangeLabs/ou=Exchange Administrative Group]

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

Subject: Domtar Ashdown Mill Regional Haze Matter - Follow-up Discussion

#### Hi Mandy,

We had a call with Stewart Spencer and his staff yesterday regarding our Ashdown Mill Regional Haze resolution. Stewart mentioned your conversation last week and concerns were expressed with a "not subject to BART" determination for the facility. We are interested in having a short call with you to better understand the concerns, if additional information can provide to address the concerns and to further explore another course of action – the 40 CFR 51.303 exemption.

Please have Alex contact us with available times for a call.

With the Administration's manufacturing resurgence and a more "business friendly" EPA we should be able to find a reasonable solution for the Ashdown Mill situation:

- Coal-fired boiler
- · Manufacturing facility with global commodity trade issues
- No real world visibility concerns as demonstrated by Arkansas' glide path
- No perceptible visibility improvement as demonstrated by CALPUFF and CAMx EPA models
- Voluntary SO2 reductions
- The BART FIP did not include an assessment by the Agency that the purported visibility improvements can be reasonable anticipated to occur as required by the Clean Air Act
- The only industrial source in Arkansas subject to BART. As part of the BART FIP, EPA determined "not subject to BART" for another industrial source also a pulp and paper mill
- Provides 800 local jobs and an annual payroll of \$70 million in rural Arkansas

We have been working on this matter with EPA and ADEQ for a long time and there has been a lot of correspondence. Since the fluff pulp conversion project was announced in late 2014, we have had numerous communications with EPA on the potential impacts of this project with anticipated reductions for mill steam demand and the uncertainty regarding the final fate of Boiler 1 and Boiler 2. The new fluff pulp machine started-up during 3<sup>rd</sup> Quarter 2016 and in early 2017 the mill determined daily operation of Boiler 1 is no longer needed, the unit was put on "standby" status and hasn't run since. Comparing to the original BART baseline period of 2001 to 2003, the mill is currently in a good situation - voluntarily reduced SO2 emissions by about 40% - and is consistently making it better.

Look forward to discussing further.

Thank you for your attention to this very important matter.

Annabeth

#### Annabeth Reitter

Corporate Manager, Environmental Regulation

T 715-886-7785 | C 715-459-9257

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From: Noe, Paul [Paul\_Noe@afandpa.org]

Sent: 9/11/2017 2:26:34 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject:

Attachments: Dan Jiron.vcf; Daniel Simmons.vcf

# Dear Mandy:

I want to thank you for taking the time from your busy schedule to meet with us last week. I also wanted to follow up and pass along the contact information (attached) for Dan Jiron at USDA and Daniel Simmons at DOE who are working on the biomass carbon neutrality issue. I hope you have an opportunity to catch up in the near future.

Best regards,

Paul

## Paul Noe

Vice President for Public Policy Paul Noe@afandpa.org (202) 463-2777 AMERICAN FOREST & PAPER ASSOCIATION 1101 K Street, N.W., Suite 700 Washington, D.C. 20005













From: Eric Byer [ebyer@NACD.com]
Sent: 9/28/2017 6:43:42 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Pestering

No worries. All set. Thanks so much.

Met with Patrick Traylor today. Was very impressed.

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Thursday, September 28, 2017 9:41 AM

To: Eric Byer <ebyer@NACD.com>

Subject: Re: Pestering

I just talked with her and she will be on a Japan/Taiwan trip during that time.

Sent from my iPhone

On Sep 25, 2017, at 2:28 PM, Eric Byer < ebyer@NACD.com > wrote:

Hey, sorry for nagging. Annual meeting in San Antonio on November 13. Can you swing? Thanks, EB

From: Minnich, Tyler (Toomey) [Tyler\_Minnich@toomey.senate.gov]

**Sent**: 9/7/2017 6:00:56 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

**Subject**: Phone call - Sen Toomey office

Hi Mandy,

Hope you're doing well. Can you give me a call later this afternoon? I should be at my desk from 3.30-6PM. My direct line is (Personal Phone / Ex. 6)
Thanks!

-Tyler

**Tyler Minnich** | Legislative Assistant Office of U.S. Senator Pat Toomey 202-224-4254 | <u>toomey.senate.gov</u>

From: KEITARO TSUJI@env.go.jp [KEITARO TSUJI@env.go.jp]

**Sent**: 9/11/2017 2:23:47 PM

To: PierCarlo.Sandei@unep.org; G7emm@minambiente.it; greg.filyk@canada.ca; virginie.dumoulin@developpement-

durable.gouv.fr; pascal.bargiarelli@developpement-durable.gouv.fr; Karsten.Sach@bmub.bund.de;

Marcus.Schroeder@bmub.bund.de; cheryl.case@defra.gsi.gov.uk; Tanya.Corrigan@defra.gsi.gov.uk; Finman,

Hodayah [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=92efbc05989a49ec874c24bb790a872c-Finman, Hodayah];

Cyril.LOISEL@ec.europa.eu; Luca.Marmo@ec.europa.eu; erin.silsbe@canada.ca; jacob.werksman@ec.europa.eu;

Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,];

Marguccio.Stefano@minambiente.it; Lacamera.Francesco@minambiente.it; Ravazzi.Aldo@minambiente.it;

Pasella.Daniela@minambiente.it; C.Demofonti@governo.it; L.Bergamaschi@governo.it;

G7logistica@minambiente.it; Brunelli.Giovanni@minambiente.it; Fricano.federica@minambiente.it;

Negrin.Alessandro@minambiente.it; DellAnno.benedetta@minambiente.it; Manzione.Pierluigi@minambiente.it;

Castaldi. Gionata@minambiente.it; Eboli. Fabio@minambiente.it; Molocchi. Andrea@minambiente.it;

Medaglia.CarloMaria@minambiente.it; Sandei.PierCarlo@minambiente.it

CC: SATORU MORISHITA@env.go.jp; HIROSHI ONO@env.go.jp; TAKEHIKO FUKUSHIMA@env.go.jp;

YOICHI\_FUKUI@env.go.jp; MAKIKO\_KUBO@env.go.jp; G7EMM\_Japan@env.go.jp

Subject: Greeting from Japan

Dear G7 colleagues,

I hope all of you are doing well.

Please allow me to tell you my personal stuff.

I have to confess that I was moved to another division in the Ministry of Environment, Japan. I would like to appreciate for all of your support from G7 members, especially, during Toyama process. Success in Toyama was done because of contribution by all of you. It had been a while since the last G7 Environmental Ministers' Meeting. Therefore, the process of Toyama was very tough and challenging one. However, all of you gave us kind and continuous support to Japanese Presidency. On behalf of MOEJ, I would like to thank you again.

I, personally, have been very happy to work closely with you all. The last two years was a great moment for me. I do learned a lot from you all through Toyama and Bologna process. I cannot thank you all enough.

My successor is YOICHI Fukui (Mr.). You will meet him soon, especially if Canadian Presidency will host EMM next year.

Btw, I will be seconded to Indonesia as a JICA Expert on Environmental Policy, and will live in Jakarta from the end of October for a couple of years. If you happen to come to Jakarta, please let me know. I will use <a href="mailto:tsuji.keitaro@friends.jica.go.jp">tsuji.keitaro@friends.jica.go.jp</a> in Indonesia. I will welcome you like we did in Toyama. I hope to see you soon!

Sincerely yours,

Keitaro

Ministry of the Environment, Government of JAPAN Keitaro Tsuji (Mr.) - Deputy Director Policy Coordination Division, Environmental Regeneration and Material Cycles Bureau International Strategy Division, Global Environment Bureau

TEL: +81-3-5501-3152

E-mail: <u>keitaro\_tsuji@env.go.jp</u> tsuji.keitaro@friends.jica.go.jp

From: Stevens, Patrick K - DNR [Patrick.Stevens@wisconsin.gov]

**Sent**: 9/20/2017 4:13:55 PM

To: Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; eberle.ed@wisconsin.gov; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Racine county

Thanks much! We will try and get something set up with Mandy.

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Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

#### Pat Stevens

Administrator – Environmental Management Division Wisconsin Department of Natural Resources

Phone: 608-264-9210 Cell Phone: 608-516-1180 patrick.stevens@wisconsin.gov



From: Wagner, Kenneth [mailto:wagner.kenneth@epa.gov]

Sent: Wednesday, September 20, 2017 9:12 AM

To: Stevens, Patrick K - DNR < Patrick. Stevens@wisconsin.gov >; eberle.ed@wisconsin.gov; Gunasekara, Mandy

<Gunasekara.Mandy@epa.gov>

Subject: Racine county

Pat/Ed:

I have copied Mandy Gunasekara on this correspondence as she and I spoke briefly about your questions concerning Racine County. Hopefully, you all can coordinate a call to discuss the matter.

Please let me know if I can further assist.

Ken

#### Kenneth E. Wagner

Senior Advisor to the Administrator For Regional and State Affairs

US Environmental Protection Agency 202-564-1988 office 202-309-2418 cell

wagner.kenneth@epa.gov

From: Spooner, David [David.Spooner@btlaw.com]

**Sent**: 9/26/2017 1:27:57 AM

To: Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]; Gunasekara, Mandy

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**CC**: Ayoob, Edward [Edward.Ayoob@btlaw.com]

Subject: RE: MACT Standard for Ceramic Tile

Mandy,

Again, don't mean to badger, but would you have time in the next week or so to meet or speak briefly by phone about the agency's October 2015 final NESHAP for ceramic tile?

Since our email below, the House Commerce Committee, as you may know, held a hearing on legislation that would stay implementation of the rule until the end of litigation (the same legislation the House passed last Congress), and the D.C. Circuit has scheduled oral argument for November 9<sup>th</sup>. The newly-announced D.C. Circuit schedule makes the issue more timely for industry, as you can imagine. I know you're familiar with the issue from your Senate days, but we do believe the rule is the poster child for a regulation that yields no environmental benefits while imposing costs on industry.

Know you're buried, but would love a chance to talk briefly. Thanks a ton.

#### David Spooner | Partner

Firm Bio: http://www.btlaw.com/david-m-spooner/

Barnes & Thornburg LLP

1717 Pennsylvania Avenue NW, Suite 500, Washington, DC 20006-4623 Direct: (202) 371-6377 | Mobile: (202) 510-3542 | Fax: (202) 289-1330



Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington, D.C.

From: Spooner, David

Sent: Thursday, August 31, 2017 1:48 PM

To: 'Schwab.Justin@epa.gov'; 'Gunasekara.Amanda@epa.gov'

Cc: Ayoob, Edward

Subject: RE: MACT Standard for Ceramic Tile

Mandy,

Again, don't mean to badger (and can only imagine how buried you are...), but am following up on the below missive about the ceramic tile NESHAP, which went into effect at the end of 2015. You likely know the issue well, but Eddie Ayoob of Barnes & Thornburg and I would love an opportunity to stop by briefly or to do a quick call to convey the tile industry's point of view on the issue. In their view, the rule, at least for ceramics, is without merit, because the agency itself predicted that the rule would yield no environmental benefits, while imposing certain costs.

Thank you!

From: Spooner, David

**Sent:** Tuesday, August 08, 2017 6:21 PM

To: 'Schwab.Justin@epa.gov'; 'Gunasekara.Amanda@epa.gov'

Cc: Ayoob, Edward

Subject: RE: MACT Standard for Ceramic Tile

Mandy and Justin,

Following up on the below. I know you're buried, but would you all have a few minutes to meet week after next (the week of August 21) to discuss the 2015 final NESHAP for ceramic tile? Because the final rule itself says that the rule will yield no environmental benefits while imposing certain costs on the industry, we are eager to put it on your radar screen.

Thank you.

From: Spooner, David

Sent: Wednesday, May 03, 2017 6:44 PM

To: 'Schwab.Justin@epa.gov'; 'Gunasekara.Amanda@epa.gov'

Cc: Ayoob, Edward

Subject: MACT Standard for Ceramic Tile

Mandy and Justin,

Barnes & Thornburg works with the Tile Council of North America, the trade association for the ceramic tile industry. The Tile Council and its member companies are in the midst of litigation, challenging the agency's October 2015 final NESHAP for ceramic tile. (Please see attached).

The rule, remarkably, doesn't regulate a single U.S. ceramic tile producer. See Tables 8 and 9 on page 65512 of the attached final rule, in which the EPA estimates that the rule will yield no environmental benefits with respect to the ceramic tile industry. In the industry's humble opinion, the attached was a good example of unnecessary environmental regulation in the prior Administration – a rule with no environmental benefits.

Would you have a few minutes to discuss the attached on Friday or next week? We'll, of course, provide more information, as appropriate, but want to make sure that you're aware of the issue.

Thank you.

#### David Spooner | Partner

Firm Bio: http://www.btlaw.com/david-m-spooner/

Barnes & Thornburg LLP

1717 Pennsylvania Avenue NW, Suite 500, Washington, DC 20006-4623 Direct: (202) 371-6377 | Mobile: (202) 510-3542 | Fax: (202) 289-1330



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From: Scott Brenner [scott@rosemontstrategies.com]

**Sent**: 9/13/2017 10:53:41 PM

To: Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: Re: Congrats on the new job

Thanks Lee. I'll reach out to Mandy tomorrow. Happy to have coffee. Just name the date.

Thanks for your prompt response.

Scott Brenner Rosemont Strategies 202-222-8825

On Sep 13, 2017, at 6:20 PM, Forsgren, Lee < Forsgren, Lee@epa.gov > wrote:

Scott,

Appreciate the best wishes. The job is a challenge but I am really enjoying it. I would strongly suggest that you reach out to Mandy Gunasekara, Senior Advisor for Air and Radiation. Mandy is the closest thing that we have to a political appointee in the Air Office right now. She is incredibly knowledgeable on Clean Air Act issues and would know exactly the right person within the Air office that you should talk to. I am cc'ing Mandy for ease of introduction.

We need to grab a cup of coffee and catch up when you have some time.

Regards,

Lee

#### D. Lee Forsgren

Deputy Assistant Administrator Office Of Water Environmental Protection Agency 1200 Pennsylvania Avenue, VW Room 3219 WJCE

Washington, DC 20460 Phone: 202-564-5700 Forsgren.Lee@epa.gov

From: Scott Brenner [mailto:scott@rosemontstrategies.com]

**Sent:** Wednesday, September 13, 2017 2:31 PM **To:** Forsgren, Lee <Forsgren.Lee@epa.gov>

Subject: Congrats on the new job

Hey Lee,

I was talking with Donna McLean about an EPA challenge I'm having with a client and she told me about your new, or somewhat new job at EPA. Congrats on the new job!

I don't think this falls in your department but I'm hoping you might be able to direct me to the right person at EPA.

I currently represent New York Air Brake, who, amongst other things, makes a software that allows locomotives to operate more efficiently. Their product, called LEADER, is sold as an aftermarket part to most of the major rail lines, particularly Norfolk Southern. Our challenge is that we would like to see the locomotive owner earn clean air credits for equipping their locomotive with the technology but EPA has denied our efforts. EPA says that if the locomotive is equipped with the technology at the time of manufacture, the locomotive owner can earn emission credits but if it is applied one day after manufacture, it is not eligible -- seems a bit stupid to me.

BTW, LEADER has been certified by the EPA as an emission reducing technology.

We have worked with our NY delegation to push the issue and have had several conversations with the OTAQ people but they just seem to be unwilling to allow the aftermarket technology to earn credits even though, we believe, the statute allows for such an action to take place.

Is there anybody over there you think would talk with us?

Thanks Lee. Greatly appreciate any guidance you can provide.

Scott

Scott Brenner
316 Pennsylvania Avenue, SE #501|Washington, DC 20003
202-750-7646| cell: 202-222-8825
Scott@Rosemontstrategies.com

<image001.png>

From: Parinello, Chris [Chris.Parinello@valero.com]

**Sent**: 9/20/2017 3:40:22 PM

To: Morris, Madeline [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=f42c86b4a2044779972ac94e098f0304-Morris, Mad]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Zelermyer, Salo

[Salo.Zelermyer@valero.com]

**Subject**: Meeting with Valero CEO and Administrator Pruitt

Attachments: External Meeting Request Form.docx

Importance: High

Hi Maddy—Please see the attached meeting request for Valero's Chairman and CEO Joe Gorder. Mr. Gorder would like to meet with Administrator Pruitt to discuss Valero's response and status post-Hurricane Harvey. Would Administrator Pruitt be available Monday, October 17<sup>th</sup> to meet with Mr. Gorder? The 17<sup>th</sup> is listed on the request form, but alternatively he is available on the 2<sup>nd</sup> and the 10<sup>th</sup> as well. Please let me know if you need any more information. Thank you!—Chris

Chris Parinello

Senior Manager, Federal Government Affairs

Valero Energy Corporation Phone: (202) 560-5451

Email: chris.parinello@valero.com

From: Moore, James D [Jamie.D.Moore@andeavor.com]

**Sent**: 9/28/2017 2:24:12 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Region 6

Attachments: 9-27-17 Region 6 Letter to Sen. Cruz.pdf

#### Hey Mandy -

Hope you are well. We have been working with the state of Texas, & the TX Congressional Delegation regarding El Paso's non-attainment issue. Impact to Andeavor pertains a refinery we own and operate in El Paso. I saw Sam's response to a letter Sen. Cruz sent on Tuesday (attached). I noted that Sam mentioned EPA is expected to provide additional direction on implementation of the 2015 standard. Can you provide any background info on what you guys are thinking here? Any direction would be helpful. Thanks.

#### Jamie D. Moore

Director Federal Government Affairs Jamie.D.Moore@andeavor.com

#### Andeavor

601 Pennsylvania Avenue N.W. Suite 850 Washington, D.C. 20004 o: 202 803 5960 m: 202 821 6900

andeavor.com





#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS, TEXAS 75202 – 2733

September 27, 2017

Office of the Regional Administrator

The Honorable Ted Cruz United States Senate Washington, D.C. 20510

Dear Senator Cruz:

Thank you for letter of September 26, 2017, voicing your support for the Texas Commission on Environmental Quality's Exceptional Event Demonstration Document for the University of Texas El Paso Monitoring Site. Let me assure you that I recognize the importance of the TCEQ submission and intend to work closely with the state to come to closure on this action before any decisions on El Paso's air quality designation for ozone are made.

In your letter you asked that the EPA grant the TCEQ's request by October 1, 2017. I am writing today to let you know that due to the Administrators expected announcement of additional direction regarding the 2015 ozone National Ambient Air Quality Standard designations, I will not be able to make a fully informed decision on the TCEQ's Exceptional Event by October 1.

The EPA Administrator is expected to provide additional direction on implementation of the 2015 ozone standard by October 1. My staff and I will review the new information and assess how and whether the new information impacts the El Paso area and the TCEQ's exceptional events request.

My staff and I enjoy a strong working relationship with TCEQ and have met with the TCEQ and representatives from the El Paso area to discuss the exceptional event demonstration document that has been provided. As a result, we are well positioned to consult with the TCEQ to evaluate any possible impacts on the El Paso designation under the 2015 ozone standard once the Administrator's direction can be assessed.

I hope you find this information useful. If you have any further questions, please do not hesitate to contact me at (214) 665-2100, or your staff may contact Mr. Austin Vela, Congressional Liaison, at (214) 665-9792.

**/** 

incerely,

samuel Coleman, P.E.

Acting Regional Administrator

This paper is printed with vegetable-oil-based inks and is 100-percent postconsumer recycled material, chlorine-free-processed and recyclable.

From: Hartman, Zachary [Zachary.Hartman@anheuser-busch.com]

**Sent**: 9/28/2017 6:16:44 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: Meeting Request...

#### Good afternoon Alex,

We are trying to plan a visit for our Senior Director of Raw Materials, Angie Slaughter, who oversees our energy procurement, to discuss our recent partnership with Enel on the Thunder Ranch project in Oklahoma.

I wanted to check and see if there was any availability for Mandy to meet with during the weeks of Oct. 23, or Nov. 6. Given that this project is in Oklahoma, we would obviously be grateful for a meeting with Administrator Pruitt, but I recognize the demands of his schedule.

Can you let me know if there is availability on Mandy's schedule for either of the weeks above, and how I could check on Administrator Pruitt's availability if that might be possible?

Thanks and all the best -

Zach



#### **Zachary Hartman**

**Director of National Affairs** 

Anheuser-Busch 1401 | Street NW Washington, DC 20005

Mobile: 202.747.4557

Email: Zachary.Hartman@Anheuser-Busch.com

Visit us @ Anheuser-Busch.com Like us @ Facebook.com/AnheuserBusch Follow us @ Twitter.com/AnheuserBusch



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From: Frank Moore [Frank.Moore@hardyheater.com]

**Sent**: 9/11/2017 1:55:14 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: Re: Vacation to Mississippi

```
I made it to town last night so looking forward to seeing you at 1:00 PM. Will they have me on Authorized
Visitor list in the lobby?
Thanks. Frank
Sent from my iPhone
> On Sep 8, 2017, at 9:18 AM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:
> Morning Frank,
>
 We are located in the William Jefferson Clinton NORTH building.
  https://www.epa.gov/sites/production/files/2013-08/federaltrianglemap5.jpg
 ----Original Message----
> From: Frank Moore [mailto:Frank.Moore@hardyheater.com]
> Sent: Thursday, September 7, 2017 7:50 PM
> To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
> Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
> Subject: Re: Vacation to Mississippi
> Hi Mandy
> That will be great. My flight is scheduled to arrive at 11:25 AM on the 11th but I may try to leave on
Sunday because of potential delays caused by Irma out of Atlanta. Which building and office # are you
located?
> Thanks for your time,
> Frank
>> On Sep 7, 2017, at 5:42 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:
>> Hi Frank
>> I'm glad you followed up. Yes, I'd be happy to meet with you. Are you free at 1 pm on Monday the 11th?
>> Best.
>> Mandv
>>
>> ----Original Message-----
>> From: Frank Moore [mailto:Frank.Moore@hardyheater.com]
>> Sent: Thursday, September 7, 2017 5:50 PM
>> To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
>> Subject: Fwd: Vacation to Mississippi
>>
>> Hi Mandy,
>> Just in case you missed my email over Labor Day, I just wanted to request a quick meeting with you on
9/11 or 9/12. I will be in DC testifying before the Energy and Commerce Committee in support for H.R. 453, on Wednesday morning the 13th about asking for a 3 year extension on Phase 2 of the NSPS. I hope
you are in town and can see me.
>> Thanks so much.
>> Frank
>>
>> Begin forwarded message:
>>
>> From: Frank Moore <frank.moore@hardyheater.com<mailto:frank.moore@hardyheater.com>>
>> Subject: Re: Vacation to Mississippi
>> Date: September 4, 2017 at 12:52:22 PM CDT
>> To: Mandy Gunasekara <Gunasekara.Mandy@epa.gov<mailto:Gunasekara.Mandy@epa.gov>>
>>
>> We are very much looking forward to you visiting our plant on your trip to Mississippi; but in the
meantime, I will be in DC the afternoon of Sept. 11 and all day on Sept. 12. I would appreciate it if
you could schedule a 10-15 minute meeting with me during this time.
>> Wishing you the Best,
>> Frank
```

```
>> On Jul 7, 2017, at 8:57 AM, Gunasekara, Mandy
<Gunasekara.Mandy@epa.gov<mailto:Gunasekara.Mandy@epa.gov>> wrote:
>>
>> Hi Frank,
>>
>> Great to hear from you. I have yet to plan a trip home, but would like to come out some time in August. That may get pushed to September as I have other work travel that keeps popping up, but I will
keep you posted and look forward to connecting in person soon!
>> Best,
>> Mandy
>>
>> ----Original Message----
>> From: Frank Moore [mailto:Frank.Moore@hardyheater.com]
>> Sent: Friday, July 7, 2017 9:23 AM
>> To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov<mailto:Gunasekara.Mandy@epa.gov>>
>> Subject: Vacation to Mississippi
>>
>> Hi Mandy,
>> I was wondering if you have set a date to come to Mississippi to visit family? We are hoping you can set aside some time to come visit our manufacturing facility and test lab. My cell # is Personal Phone / Ex. 6 ind our plant is located at 12345 Road 505, about 7 miles from Union. Looking forward to your visit.
>> Sincerely,
>> Frank
>>
>>
>
```

From: Kathy Bergren [Bergren@ncga.com]

**Sent**: 9/28/2017 6:07:09 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: EPA's NODA on the RVO and Proposals on RIN Regulatory Changes - NCGA

#### Mandy:

With EPA's release of the additional proposal on RVO volumes for 2018/2019 this week, as well as the reported discussions around a proposed regulatory change on RINs with regard to export gallons, we wanted to relay corn growers' serious concerns with the impact these proposals would have for biofuels, a vital market for our producers, as you know.

While the NODA proposal does not directly impact the 15 billion gallon implied volume for conventional ethanol, NCGA has concerns about the implications for use of the general wavier authority going forward and the further reduction in total volumes, which will be addressed in comments.

With regard to the reports the agency is considering a regulatory proposal on RINs for export gallons, are you able to share any information on the status of these discussions and the degree of consideration EPA is giving such a proposal?

Ethanol exports have been a positive for corn growers, but allowing export gallons to generate RINs is not the pathway for growing exports. The U.S. is the leader in ethanol exports, and we're already winning on price. The impediments to our exports comes from barriers other countries erect, and changing the treatment of RINs will only cause those barriers to increase and draw threats to other U.S. exports, not to mention undermine domestic use of domestic renewable fuels.

Thank you for any information you can share about EPA's decision-making process on this additional regulatory proposal; we appreciate EPA's consideration of NCGA's views. NCGA is available to provide additional information on this issue if needed, and we will also provide detailed comments to the NODA on corn farmers' concerns.

Thank you for your time, Kathy

#### **Kathy Bergren**

Director, Public Policy
National Corn Growers Association
20 F Street NW, Suite 600
202-326-0649 Direct
202-297-5032 Mobile
bergren@ncga.com

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From: ROBERT.WYMAN@lw.com [ROBERT.WYMAN@lw.com]

**Sent**: 9/18/2017 6:04:43 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Request for Introductory Meeting - Wednesday, September 27, 4:30 pm

Good morning, Alex. I am writing to request an introductory meeting with Mandy Gunasekara on the subject of the midterm evaluation and the national greenhouse gas emissions standards for motor vehicles. I make this request on behalf of the *National Coalition for Advanced Transportation (NCAT)*.

**NCAT** is a coalition of leading companies that support electric vehicle and other advanced transportation technologies and related infrastructure, including through: energy supply, transmission and distribution; vehicle and component design and manufacturing; charging infrastructure, battery and other energy-storage technology design, production and implementation; infrastructure engineering and construction; and the movement of passengers, goods and services; among other activities. Prior to our meeting, I will provide a list of NCAT attendees.

If possible, we would like to meet with Ms. Gunasekara on <u>Wednesday, September 27, at 4:30 pm</u>. We will be meeting earlier in the afternoon at 3:00 pm with Chris Grundler of OTAQ.

Of course, if 4:30 pm is not a good time, we will do our best to accommodate a different time or date.

Sincere thanks.

Bob

Robert A. Wyman, Jr.
LATHAM & WATKINS LLP
Email: robert.wyman@lw.com

355 South Grand Avenue Los Angeles, CA 90071-1560 Direct: +1.213.891.8346

555 Eleventh Street, NW Washington, DC 20004-1304 Direct: +1.202.654.7119

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Latham & Watkins LLP

From: Kuoh, Dika [Dika.Kuoh@dnr.ga.gov]

**Sent**: 9/21/2017 3:35:21 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: Automatic reply: Ozone

I am currently out of the office and should be back on Monday September 25th. If you need immediate assistance, please contact Lou Ann Carmichael at 404-363-7008 or via email at LouAnn.Carmichael@dnr.ga.gov. Thanks. Dika

From: Banister, Beverly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1D7573525C894F5DBFC19ABD6A7FDA91-BANISTER, BEVERLY]

**Sent**: 9/27/2017 10:27:55 PM

To: Ashley Featherstone [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=user6cb489a0]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Kemker, Carol [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=75effabe4e91420f949b80e5001d9b18-michael.abraczinskas@ncdenr.gov];

Ceron, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group

 $(FYDIBOHF23SPDLT)/cn=Recipients/cn=b03966abf9ea4f0490c8fe49ed5519b4-Ceron, Heather]; \\ david.brigman@buncombecounty.org~[/o=ExchangeLabs/ou=Exchange Administrative Group the Computation of the Computat$ 

(FYDIBOHF23SPDLT)/cn=Recipients/cn=08a1ee96e74c4617bd62de74ca06c39a-

david.brigman@buncombecounty.org]; Johnson, Terry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=37884c5ac1ab48e4b6a8e4248d588f88-Johnson, Terry]; Mitchell, Ken

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=e49335e2f5a64cbfa97c39cbf1faff2b-Mitchell, Kenneth]

Subject: RE: WNC response to Duke Asheville Order

Ashely,

Thank you so much.

Beverly

From: Ashley Featherstone [mailto:Ashley.Featherstone@buncombecounty.org]

Sent: Wednesday, September 27, 2017 5:25 PM

To: Banister, Beverly <Banister.Beverly@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Kemker, Carol < Kemker. Carol@epa.gov>; michael.abraczinskas@ncdenr.gov; Ceron, Heather

<Ceron.Heather@epa.gov>; david.brigman@buncombecounty.org; Johnson, Terry <Johnson.Terry@epa.gov>

Subject: WNC response to Duke Asheville Order

Beverly,

Please find attached WNCRAQA's response to the June 30, 2017 Order regarding the Title V permit that was issued to Duke Energy Progress in 2016. We are sending a hard copy to you in the mail.

Thanks, Ashley

Ashley Featherstone
Permitting Program Manager
WNC Regional Air Quality Agency
P.O. Box 2749, Asheville, NC 28802
52 Coxe Avenue, Asheville NC 28801

Phone: 828.250.6778 Fax: 828.250.6222

http://www.wncairquality.org

ashley.featherstone@buncombecounty.org

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From: Manning, Tina [tmanning@deltacouncil.org]

**Sent**: 9/28/2017 2:15:44 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: Chip Morgan next week

Good morning, Mandy,

Chip will be in Washington next week and would like to visit with you briefly if you have any availability. He arrives late afternoon on Monday and departs at noon on Thursday. We look forward to hearing from you and please let us know if you have any questions.

Thanks,

Tina Manning Delta Council Staff 662.686.3356

From: Marcus Johnson [marcus@emergingissuespolicyforum.org]

**Sent**: 9/20/2017 8:01:33 PM

To: Marcus Johnson [marcus@emergingissuespolicyforum.org]

Subject: 2017 EIPF DRAFT Agenda

Attachments: 2017 EIPF Energy Agenda DRAFT September 19 2017.pdf

#### Good afternoon,

Attached for your review is the draft agenda for this year's EIPF Energy Forum. If you have any questions or corrections to report please let me know at your earliest convenience.

Thank you and we look forward to seeing you soon.

Marcus

From: GfK Custom Research [chenderson@e1.surveys2.com]

**Sent**: 9/6/2017 2:01:48 AM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: INCREASED INCENTIVE to Complete Short Survey about Media Views

#### Greetings,

.

GfK, an independent market research company in Arlington, Virginia,is conducting a short survey about YOUR views regarding trusted media sources. As a leader and dedicated public servant in Washington DC, we believe your perspective would be tremendously valuable to our understanding of this topic.

We greatly appreciate and value your time, and in exchange for your participation, we would like to offer you \$49. We will collect your mailing information at the end of the survey. In addition, we will share the key findings of the study with you later this year.

Please click on the link below to get started.

https://www.surveys.com/start.aspx?SurveyName=USC507516&ID=199580&ENC=J13FVuqGGKFjr6b9Wy72sdmCFW8

Please rest assured that GfK ensures your confidentiality and anonymity – no one will be able to tie the opinions voiced in the survey back to you or the office for which you work.

If clicking on the link does not work, cut and paste the link into your browser. We look forward to hearing from you! Thank you in advance for your participation!

Should you have content or technical questions, please contact: chenderson@e.surveys.com.

To unsubscribe from ask GfK, please click here:

https://unsubscribe.surveys.com/unsubscribe.aspx?r=199580&m=gunasekara.mandy@epa.gov&t=USC507516

Many thanks again for participating. We look forward to hearing from you! For more information about our privacy policy, please click on the link: http://www.gfk.com/us/Pages/Research-Participant-Privacy-Policy.aspx

To reach us by mail: Reach us by mail at: GfK Panel Services 120 Eagle Rock Ave Ste. 200 East Hanover, NJ 07936-9848

From: Jay Cranford [cranford@cgcn.com]

**Sent**: 9/15/2017 9:16:45 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Checking in

Hey Mandy. Hoping to grab a few minutes of your time next week to catch up. I promise I won't take long!

Thanks, and have a great weekend. -Jay

Jay Cranford CGCN Group (202) 689-9296 www.cgcn.com

From: Krenik, Edward [edward.krenik@bracewell.com]

**Sent**: 9/12/2017 7:26:32 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Beck, Nancy

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]

Subject: RE: Consumer Product Safety Commission -- Organohalogens

Yes, I believe it is. Nancy if you have second to chat I am happy to do it. I am trying to help Chairman Buerkle from the CPSC out on this. I really don't have dog in this fight.

Ed

#### **EDWARD KRENIK**

Partner

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#### **BRACEWELL LLP**

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From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Tuesday, September 12, 2017 12:40 PM

To: Krenik, Edward; Beck, Nancy

Subject: RE: Consumer Product Safety Commission -- Organohalogens

Hi Ed,

Great to hear from you and thank you for highlighting this issue. I believe it's more of a OCSPP issue so will defer to Nancy on any next steps. Please let me know if I can help.

Best, Mandy

From: Krenik, Edward [mailto:edward.krenik@bracewell.com]

Sent: Tuesday, September 12, 2017 10:22 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>

Subject: Consumer Product Safety Commission -- Organohalogens

Hi Nancy and Mandy,

I hope you are both well. Mandy, Chairman Buerkle called to tell me that she wanted to reach out to someone at EPA regarding Organohalogens. As you may know the CPSC was petition by the consumer groups to take action on

them. There is a public meeting on Thursday and she was hoping that EPA could say something about the agency's action on this class of chemicals as she believes that yet again this is in your jurisdiction and not CPSCs.

I wanted to give you a heads up. Happy to discuss further if you want to give me a call.

Thanks,

Ed

#### **EDWARD KRENIK**

Partner

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From: Banister, Beverly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1D7573525C894F5DBFC19ABD6A7FDA91-BANISTER, BEVERLY]

**Sent**: 9/27/2017 6:19:23 PM

To: michael.abraczinskas@ncdenr.gov [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=75effabe4e91420f949b80e5001d9b18-michael.abraczinskas@ncdenr.gov];

Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Kemker, Carol [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=765ad99166db4233bd15febf6e9917b3-Kemker, Carol]; Ceron, Heather

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=b03966abf9ea4f0490c8fe49ed5519b4-Ceron, Heather]

**Subject**: RE: NC Response to Duke Roxboro order

Thanks so much Mike. We will be happy to do so. Beverly

From: Abraczinskas, Michael [mailto:michael.abraczinskas@ncdenr.gov]

Sent: Wednesday, September 27, 2017 1:53 PM

To: Banister, Beverly <Banister.Beverly@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Kemker, Carol < Kemker.Carol@epa.gov>; Ceron, Heather < Ceron.Heather@epa.gov>

Subject: NC Response to Duke Roxboro order

#### Beverly,

Please find attached NC's response to the June 30, 2017 order related to Duke Energy Roxboro.

Please further distribute to those folks within your agency that I have not cc'ed.

A hard copy will be sent via USPS.

Thank you,

-Mike

#### Mike Abraczinskas, EIT, CPM

Director, Division of Air Quality
North Carolina Department of Environmental Quality

919 707 8447 office

michael.abraczinskas@ncdenr.gov

217 West Jones Street 1641 Mail Service Center Raleigh, NC 27699



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From: Lee Fuller [lfuller@ipaa.org]
Sent: 9/6/2017 5:25:35 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

Subject: RE: IPAA Environment Meeting

Excellent. I'll follow up with Alex.

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Wednesday, September 6, 2017 1:24 PM

To: Lee Fuller < Ifuller@ipaa.org>

Cc: Dominguez, Alexander < dominguez.alexander@epa.gov>

Subject: RE: IPAA Environment Meeting

Hi Lee,

Great to hear from you. Yes, I'm the point of contact on this and would be happy to participate. I'm looping in Alex who can help firm up the logistics for when is the best time on October 17<sup>th</sup>.

Hook forward to seeing you then if not before.

Best, Mandy

From: Lee Fuller [mailto:lfuller@ipaa.org]
Sent: Wednesday, September 6, 2017 11:19 AM

To: Gunasekara, Mandy < Gunasekara, Mandy @epa.gov>

Subject: IPAA Environment Meeting

Mandy,

On October 17, IPAA will be holding a meeting for its company environmental staff. The purpose of the meeting is to bring company personal to Washington for a day of presentations/discussions with federal regulatory staff.

I would like to have one of the discussions on the status and future of the VOC/methane regulations. I don't know if you are the appropriate person, but I thought you would be the best person for me to reach out to.

The timing of the discussion would be an hour with about fifteen minutes to frame the issues and then questions and answers with the participants. The meeting would be at the IPAA office building. We would work with you on the exact time of participation.

Please let me know if you or another person would be available for this meeting.

Thanks,

Lee Fuller

From: Executive Director [ExecutiveDirector@nationalenergyresources.com]

Sent: 9/15/2017 4:09:28 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: NERO Lunch with Sen. Heidi Heitkamp

#### Hi Mandy,

We hope you're able to join us for our next luncheon! Please **RSVP** by return e-mail before Friday, Sept. 22.

## **National Energy Resources Organization**



Cordially invites you to attend the

# 2017 NERO Luncheon Series

## Senator Heidi Heitkamp

#### Member. Committee on Agriculture. Nutrition and Forestry

Ranking Member of the Subcommittee on Commodities, Trade and Risk Management Subcommittee on Livestock, Marketing and Agriculture Security Subcommittee on Rural Development and Energy

#### Member. Committee on Banking. Housing and Urban Affairs

Ranking Member of the Subcommittee on Economic Policy Subcommittee on Housing, Transportation, and Community Development Subcommittee on National Security and International Trade and Finance

#### Member. Committee on Homeland Security and Governmental Affairs

Permanent Subcommittee on Investigations Ranking Member of the Subcommittee on Regulatory Affairs and Federal Management

> **Member. Committee on Indian Affairs** Member. Committee on Small Business and Entrepreneurship

Thursday, September 28, 2017

Doors Onen at 11:45 a.m.

### **Hyatt Regency on Capitol Hill**

400 New Jersey Avenue, NW, Washington, DC

# RSVP by September 22, 2017 ExecutiveDirector@NationalEnergyResources.com 703-548-1764

<u>Please Note</u>: Counsel has advised that under House and Senate rules, this event is a "widely attended event". Under these rules, only NERO may extend invitations to House or Senate Members or staff to attend this event. Individual members of NERO are not permitted to extend invitations. Violations of these rules may result in criminal liability.

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www.nationalenergyresources.com



Electric initiative and expansion of operations in Alabama

with \$1 billion investment

anniversary celebration.

#### **Press Information**

September 21, 2017

Investment announcement made during the Tuscaloosa based plant's 20<sup>th</sup>

Mercedes-Benz strengthens manufacturing footprint in the U.S.

- Strategic move of Mercedes-Benz to start production of electric passenger cars in the U.S. as part of its worldwide electric initiative.
- \* Tuscaloosa plant will manufacture SUV models for the company's EQ brand.
- New battery plant to be built near the existing passenger-car plant, making it the fifth factory in the global battery production network of Mercedes-Benz Cars with sites on three continents.
- Company expands logistics activities for supply of worldwide markets.
- Investment expected to create more than 600 new jobs in the region.

Tuscaloosa, AL/USA - As part of its ongoing commitment to engineer and manufacture the world's most attractive vehicles, Mercedes-Benz will set up electric vehicle production in the United States. The company plans to produce EQ-branded SUV models at MBUSI (Mercedes-Benz U.S. International), its Tuscaloosa, Alabama facility. At the time being launched, the EQ models will feature the latest status of automated driving - always under the premise of safety and in compliance with the statutory regulations. In addition, a battery plant will also be built near the existing passenger-car plant ensuring availability of cutting-edge technology for future generations of Mercedes-Benz vehicles built in the U.S. In total, Mercedes-Benz plans to invest \$1 billion in the expansion of its industrial footprint in the region, most of which is slated for the electric initiative. It is expected that once completed these investments will create more than 600 additional jobs. Final details of the plans are still being worked on in partnership with the State of Alabama.

"We are excited to celebrate 20 years of production in Tuscaloosa by expanding our operations in the region and by bringing our electric initiative to the United States. With this one billion dollar investment, we are significantly

Daimler Communications, 70546 Stuttgart, Germany Mercedes-Benz – A Daimler Brand growing our manufacturing footprint here in Alabama, while sending a clear message to our customers across the U.S. and around the world: Mercedes-Benz will continue to be on the cutting-edge of electric vehicle development and production," said Markus Schäfer, Member of the Divisional Board of Mercedes-Benz Cars, Production and Supply Chain. "With production locations for EVs and batteries in Europe, China and, now, the U.S., our global network is ready for the era of electric vehicles. Thanks to our plant modernization in Tuscaloosa, we will be able to quickly ramp up U.S. production of EQ models, while also being more flexible to our customers' demands for innovative vehicles that live up to the excellent quality that is synonymous with the Mercedes-Benz brand."

Page 2

In addition to the electric initiative, the logistics activities in the U.S. will be expanded with a new Global Logistics Center and a new after-sales North American hub, exporting car-kits to global assembly plants and spare parts from the U.S. and North America to worldwide markets.

"With the addition of electric SUVs to our future fleet, we will provide discerning drivers with a new, high quality automotive option that will marry performance, luxury, and environmental stewardship," Markus Schäfer said. "As a result of our investments in Alabama, Mercedes-Benz customers will soon be able to enjoy advanced technology coupled with a luxury driving experience."

The plant in Tuscaloosa exclusively provides worldwide clients with the SUV models GLE, GLS and GLE Coupé that continue the proud tradition of quality associated with Mercedes-Benz. With the upcoming production of the next SUV generation the plant will enhance its proven production portfolio with modern plug-in hybrids, responding flexibly and efficiently to market demand. With the additional integration of electric vehicles, the plant is shaping the future of electric mobility worldwide. The announcement was part of the 20-year celebration at MBUSI. Dignitaries attending the event included Alabama Governor Kay Ellen Ivey as well as other local and state officials.

"This is an exciting day for MBUSI and our entire team here in Alabama," said Jason Hoff, President and CEO of Mercedes-Benz U.S. International during the "All Team Member" meeting. "Looking back on 20 years of production, the Mercedes-Benz plant in Tuscaloosa has been a success story from the beginning. We are now continuing this story with a clear vision for the era of electric mobility. We are proud that Tuscaloosa will be an integral part of our

company's evolution to electric vehicles contributing to the long-term success of Mercedes-Benz Cars."

Page 3

"The fact that Mercedes-Benz continues to expand its operations in Alabama makes a powerful statement about the quality of the global automaker's workforce in the state, and underscores that we are achieving our goal of ensuring businesses in Alabama don't just survive, but thrive," Governor Kay Ivey said. "For the past two decades, MBUSI has been a tremendous partner in the growth of our state, and we look forward to strengthening those bonds in the years to come."

Tuscaloosa is home to Mercedes-Benz's SUV production for the world market, having started production of the former M-Class (today the GLE) in 1997. As the first automotive manufacturing location in the State of Alabama, the plant also served as the catalyst for additional OEMs, automotive suppliers and supporting businesses to come to the area, creating thousands of jobs in the region and leading to Alabama's strong position as one of the key automotive business clusters in the United States. Mercedes-Benz exports more than 70 percent of its SUVs to markets around the globe. With an earlier investment of \$1.3 billion announced in 2015, the plant is currently being expanded to prepare for the production of the next SUV generation including plug-in hybrid models. The plant expansion comprises a new Body Shop, major enhancements to the SUV Assembly Shop as well as upgraded logistics and IT systems.

#### Electric vehicles from the family of EQ branded products

Mercedes-Benz will start producing SUV models of the EQ brand in Tuscaloosa at the beginning of the next decade. EQ models will be integrated into the series production at the plant. This is possible because of the early investments in flexibility and technical equipment at the plant that offer trailblazing Industry 4.0 technologies. With the Tuscaloosa plant, Mercedes-Benz will have electric mobility hubs on three continents serving customers' demand around the globe.

By 2022, the company will electrify the entire portfolio of Mercedes, offering customers at least one electrified alternative in all segments from smart to large SUVs. The company is planning to offer more than 50 electrified vehicle variants. At the same time, Mercedes-Benz will be continuously supporting the development of plug-in hybrids and the introduction of 48-volt-systems. The first EQ series model, EQC, will go into production in 2019 in Bremen,

Germany. Technology and product brand EQ is an integral part of CASE, which stands for the intelligent combination of the strategic pillars of connectivity (Connected), autonomous driving (Autonomous), flexible use (Shared & Services) and electric drive systems (Electric).

Page 4

#### Fifth Mercedes-Benz factory to produce batteries

The battery factory near plant Tuscaloosa will be part of the global battery production network of Mercedes-Benz Cars for local demand and export. In total, Daimler will invest \$1.18 billion (more than one billion Euros) in the battery production network, which will also include production facilities in Germany and China. As in vehicle production, the battery production network will react flexibly and efficiently to market demand. This strategy ensures the ongoing availability of modern battery technology through local production hubs in Europe, China and the U.S. and puts Mercedes-Benz in a highly competitive position for its electric initiative. Construction work for the new one million square-foot facility in Tuscaloosa is expected to begin in 2018, with operations planned to start at the beginning of the next decade.

#### **Expansion of logistics activities**

Expanding its industrial footprint, Mercedes-Benz is also building a new Global Logistics Center and a new after-sales North American hub in Bibb County, five miles from the plant in Tuscaloosa.

The Global Logistics Center will support worldwide logistics operations connected with products "Made in Tuscaloosa" and will supply oversea assembly plants with car-kits, where Mercedes-Benz produces vehicles for local markets. Operations including brand new IT systems to support lean logistics processes in the new warehouse are scheduled to begin in 2019.

Additionally, Mercedes-Benz is consolidating the three existing after-sales warehouses at a new location. The new after-sales North American hub will be co-located with the new Global Logistics Center providing markets abroad with spare parts. This allows the company to meet rising market demands amid the growing variety of models. The new hub is scheduled to start its operations at the end of 2020.

#### About Mercedes-Benz Tuscaloosa plant

Page 5

MBUSI – located in Tuscaloosa County, Alabama – is the production location for the GLE, GLS and GLE Coupe SUVs around the world, as well as the C-Class sedan for North America. In 2016, the plant produced more than 310,000 vehicles. MBUSI currently employs more than 3,700 team members and supports 7,000+ jobs on the approximately 1,000-acre site. In September 2015, MBUSI announced a \$1.3-billion plant expansion and new jobs to pave the way for production of future SUVs. The expansion makes plant Tuscaloosa one of the "smartest" automotive facilities in the world.

#### About Daimler in the U.S.

Daimler has been firmly established in the United States for decades. As an employer, exporter, and good corporate citizen, the company provides billions of dollars direct and indirect support to the U.S. economy. Daimler directly employs around 22,000 people in the United States and indirectly supports an estimated 70,000 additional jobs across the country. The company primarily produces passenger cars and commercial vehicles in the United States, but is also represented with Daimler Financial Services, car2go and moovel as well as several Research and Development locations in the United States.

#### Contacts:

Felyicia Jerald, +1 205 5073507, felyicia.jerald@daimler.com Andrea Berg, +1 212 9099062, andrea.a.berg@daimler.com Han Tjan, +1 212 9099063, han.tjan@daimler.com

Catharina Blatt, +49 711 17-40217, catharina.blatt@daimler.com Matthias Krust, +49 711 17-41928, matthias.krust@daimler.com Sofia Stauber, +49 711 17-40598, sofia.stauber@daimler.com

Further information about Mercedes-Benz is available online: www.media.daimler.com and www.mercedes-benz.com

**From**: The White House [noreply@whitehouse.gov]

**Sent**: 9/19/2017 11:54:16 AM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RSVP Confirmation

#### THE WHITE HOUSE

#### WASHINGTON

Dear Amanda,

Thank you for submitting your RSVP. We have received your information. Please reach out to your point of contact with any questions.

Sincerely,

The White House

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From: Spencer, Stuart [SPENCER@adeq.state.ar.us]

**Sent**: 9/11/2017 8:14:17 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: FW: Question re: stay

#### Mandy,

Happy Monday to you from Arkansas. I just ran across an article in Greenwire indicating that EPA agreed to stay the Utah Regional Haze FIP litigation in the 10<sup>th</sup> Circuit. It would be great if Region 6 would do that in the 8<sup>th</sup> Circuit as well! We are making great progress, but don't want to get tripped up/caught in deadlines in the FIP. There currently is no relief that has been granted, other than an extension of NOX compliance.

Let's talk!

Stuart

From: Spencer, Stuart

Sent: Monday, September 11, 2017 2:26 PM

To: Coleman.Sam@epa.gov; Stenger, Wren (stenger.wren@epa.gov); Donaldson, Guy (Donaldson.Guy@epa.gov)

Cc: Keogh, Becky; Chapman, Julie

Subject: Question re: stay

Greetings! Please see article 18 below. Interesting development. Arkansas has made even more progress than Utah in its SIP development efforts thus far. We need more support. Would the Region support a stay like the Court granted in the 10<sup>th</sup> Circuit? Just curious.

Thanks!

Stuart

From: E&E News [mailto:ealerts@eenews.net]
Sent: Monday, September 11, 2017 12:42 PM

**To:** Spencer, Stuart

**Subject:** September 11 -- Greenwire is ready

Read today's Greenwire on the web

## GREENWIRE

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Username: spencer@adeq.state.ar.us

Password: adeq

#### GREENWIRE — Mon., September 11, 2017

READ FULL EDITION

#### 1. INTERIOR:

#### IG looking into why senior staffers were moved

The Interior Department's Office of Inspector General is in the midst of examining the department's politically sensitive reassignment of top officials, the watchdog agency confirmed today.

#### TOP STORIES

2. EXTREME WEATHER:

DOE scientist explores link between climate, hurricanes

3. HURRICANES:

Health worry and headache for farmers: Dead cows

4. NEVADA STANDOFF:

Roger Stone heading to Vegas to push Bundy pardons

**POLITICS** 

5. COAL ASH:

EPA may revisit landmark 2015 disposal rule

6. NOMINATIONS:

Trump names rail exec to lead pipeline regulator

7. CAMPAIGN 2018:

Another vulnerable Republican calls it quits

HURRICANES

8. WATER POLLUTION:

EPA finds no volatile chemicals in water near Arkema plant

9. EXTREME WEATHER:

Irma downgraded, Tampa spared 'punch in the face'

10. INFRASTRUCTURE:

Cranes broken by Irma's winds dangle over Miami streets

11. OCEANS:

Irma sucked water from shores, stranding 2 manatees

12. WILDLIFE: Fla. park promises no escaped gators during Irma NATURAL RESOURCES 13. OCEANS: Easter Island marine reserve will protect dozens of species 14. WILDLIFE: 7 charged in poaching ring that killed over 100 animals 15. WILDFIRES: 'Extremely limited resources' plague firefighters in West 16. AGRICULTURE: New England 'seed ark' preserves rare plants for the future 17. EARTHQUAKES: 'Seismic weather forecasting' could become reality LAW 18. AIR POLLUTION: Court stays Utah haze plan in win for coal-fired utility 19. FUEL ECONOMY: 5 AGs sue over Trump delaying higher fines for automakers AIR AND WATER 20. SUPREME COURT: Cities, industry ask justices to weigh EPA stormwater regs WASTES & HAZARDOUS SUBSTANCES 21. TOXICS: Memorial honors 9/11 responders sickened by airborne hazards TRANSPORTATION 22. AUTOS: French carmaker accused of cheating diesel emissions tests STATES 23. WASHINGTON: Rare fisher remains on endangered list despite progress INTERNATIONAL 24. MEXICO: 96 dead as stunned nation takes stock of earthquake damage 25. ITALY: Floods kill 6 in Tuscany

26. SWITZERLAND:

#### Front of unstable glacier collapses

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Phone: 202-628-6500 Fax: 202-737-5299

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From: megan.berge@bakerbotts.com [megan.berge@bakerbotts.com]

**Sent**: 9/14/2017 8:38:45 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Regional Haze Call

Mandy -

We are on the line whenever you are free. If you need to reschedule, no worries. Just let me know.

Megan

Sent from my iPhone

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From: Alliance to Save Energy [events@ase.org]

**Sent**: 9/12/2017 1:41:03 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: "Energy Prom" is Finally Here!

Join us this Thursday

#### Mandy -

Our favorite night of the year is finally just three days away, and we're working around the clock to make the 25th annual *Evening with the Stars of Energy Efficiency* Awards Dinner the best "Energy Prom" yet. With this in mind, we're writing again to personally encourage you to accept your complimentary invitation to attend the Awards Dinner!

Not only is this celebration a chance to don your black-tie best for an evening of camraderie and inspiration, but an opportunity to partake in unbeatable networking with 400 of the industry's best and brightest, including Senators Jeanne Shaheen (D-N.H.) and Chris Coons (D-Del)! Don't take it from us, here's a look back at last year's Awards Dinner in photos for what's to come on Thursday night.

But it wouldn't be a celebration of energy efficiency without you, so we hope you'll consider joining us at the Mellon Auditorium this Thursday evening. We look forward to seeing you soon!

Best,

Alliance to Save Energy Events Team

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1850 M Street NW, Suite 610 Washington, DC | 20036 US

This email was sent to gunasekara.mandy@epa.gov. To confinue receiving our emails, add us to your address book.



**From**: megan.berge@bakerbotts.com [megan.berge@bakerbotts.com]

**Sent**: 9/15/2017 3:50:48 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: William Bumpers [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=userea34c0d6]

**Subject**: RE: White Paper by the Coalition for Innovative Climate Solutions

#### Mandy -

Thank you again for visiting with us yesterday. Based on that discussion, I understand that you likely are tied up next week and not available for a short meeting on the CICS white paper. So, in addition to the dates next week (Below), I am sending on a few others. We would be happy to come over to EPA (or to host you across the street here at Baker Botts) if you have 30 minutes or so on any of the following days:

- Sep. 26 (afternoon)
- Sep. 27 (any time)
- Sep. 28 (any time before 4 pm)
- Sep. 29 (any time)
- Oct. 2 (any time before 4 pm)
- Oct. 5 (between 2:30-4:30)
- Oct. 6 (any time)

Have a great weekend,

Megan

#### Megan Heuberger Berge

Partner

#### BAKER BOTTS L.L.P.

The Warner | 1299 Pennsylvania Ave., NW | Washington, DC 20004 1.202.639.1308 (direct) | 1.202.256.0827 (cell)



From: Berge, Megan

Sent: Thursday, September 14, 2017 3:20 PM

**To:** Gunasekara, Mandy **Cc:** Bumpers, William

Subject: White Paper by the Coalition for Innovative Climate Solutions

Mandy -

Attached for your consideration is a white paper prepared on behalf of the Coalition for Innovative Climate Solutions that proposes a framework for a rule to replace the Clean Power Plan. The Coalition includes 12 diverse power companies with operating territories located throughout the country.

We, joined by several of the Coalition members, would like the opportunity to meet with you, and whatever folks that you deem appropriate, to discuss the proposed framework and answer any questions that you might have on the paper. We would be happy to meet with you next week, if you have availability Monday, Tuesday or Wednesday. If not, please let me know what times and/or dates might work for you.

We understand your schedule is very tight, and appreciate you making the time to meet with us and our members. In the meantime, please do not hesitate to reach out if you have any questions regarding the Coalition or the white paper.

Best, Megan

#### Megan Heuberger Berge

**Partner** 

BAKER BOTTS L.L.P.

The Warner | 1299 Pennsylvania Ave., NW | Washington, DC 20004 1.202.639.1308 (direct) | 1.202.256.0827 (cell)



#### Confidentiality Notice:

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From: Larry Schafer [lschafer@playmakerstrategies.com]

**Sent**: 9/12/2017 6:16:11 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Larry Schafer [Ischafer@playmakerstrategies.com]; Dravis, Samantha [/o=ExchangeLabs/ou=Exchange

Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam];

Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

Subject: Re: Biodiesel Meeting Request for Next Week

Ok thanks we will see you at 1 pm on the 20th.

Thank you.

Larry Schafer Playmaker Strategies 202.997.8072

On Sep 12, 2017, at 1:58 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Hi Larry,

I'd be happy to meet. I'm looping in Alex to help with logistics. My only availability is at 1 pm on the  $20^{th}$  (I'm down in Raleigh on the  $21^{st}$ ).

Best, Mandy

From: Larry Schafer [mailto:lschafer@playmakerstrategies.com]

Sent: Tuesday, September 12, 2017 1:04 PM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>; Dravis, Samantha < dravis.samantha@epa.gov>

Subject: Biodiesel Meeting Request for Next Week

Samantha and Mandy,

Hope you are well. I know you all have been busy on hurricane issues and we appreciate your commitment and help to our friends and families in Texas and Florida.

Next week a trio of Biodiesel and Renewable Diesel CEO's and Executive Leadership team members will be in Washington DC.

We would like to meet with you on Wednesday the 20<sup>th</sup> or Thursday the 21<sup>st</sup> to discuss issues related to biodiesel, the RVO's, Trade, and many other related issues.

The following would like to meet with you:

Gene Gebolys, CEO of World Energy, owns 4 facilities (Texas, Mississippi, Georgia and Pennsylvania) with approximately 230 million gallons of production.

Co-Chair of NBB's RFS Working Group

Jonathan Phillips, General Counsel at RBF, Port Naches, the largest biodiesel plant in the United States (185 million gallons).

RBF has testified at the Dep't of Commerce related to biodiesel trade issues.

Bryan Sherbacow, CEO of AltAir Fuels, an integrated refiner of renewable jet, renewable diesel, and renewable chemicals. (30 million gallon facility in California).

Also joining our team will be Anne Steckel. Anne and I have worked together for the past 7-10 years on RFS related issues for the biodiesel industry since the first RVO for Biomass-based Diesel was put in place in 2010.

We clearly appreciate your leadership on these difficult issues. Our team here at Playmaker Strategies worked with eleven companies representing 16 biodiesel processing facilities, over 400 million gallons, in preparing comments to EPA's most recent RVO proposal.

Please let us know of your availability for next week.

Thank you.

\_\_\_\_\_

Larry Schafer Playmaker Strategies 202.997.8072

750 Ninth Street NW Suite 650 Washington DC 20001

<u>Lschafer@PlaymakerStrategies.com</u> <u>www.PlaymakerStrategies.com</u>

\_\_\_\_\_\_

From: Jay Cranford [cranford@cgcn.com]

**Sent**: 9/20/2017 1:22:21 AM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Re: Contact

Thanks Mandy!

Jay Cranford CGCN Group (202) 689-9296 www.cgcn.com

From: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Sent: Tuesday, September 19, 2017 7:13:14 PM

To: Jay Cranford Subject: Contact

Following up from my voicemail. Below is Patrick's contact info.

#### **Patrick Traylor**

Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-5238 (office)
(202) 809-8796 (cell)
Sent from my iPhone

**From**: Tim Lust [tim@sorghumgrowers.com]

**Sent**: 9/14/2017 2:29:47 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Fwd: Sorghum Oil

Attachments: Questions for NSP Sept 2017 (1).docx; purdue\_energy\_short.pdf

Mandy,

We turned around the EPA staff questions as fast as we could. I thought we were done with this slow play process. The first two questions show a real lack of understanding of the topic area. The last question is something that corn never answered in the original pathway and these questions should not hold this process up. I am in DC Monday through Thursday noon next week and if we need to visit I will change my schedule to fit yours. This remains our industry's number 1 priority and it is still very slow going. Thank you for your help. Let me know if you think it would be helpful to meet with you or your team on this issue. Regards, Tim



Tim Lust
Chief Executive Officer

(806) 749-3478 office (806) 438-3127 cell sorghumgrowers.com

Sorghum: The Smart Choice.



----- Forwarded message -----

From: **John Duff** <john@sorghumgrowers.com>

Date: Wed, Sep 13, 2017 at 12:06 PM

Subject: Re: Sorghum Oil

To: "Galperin, Diana" < Galperin.Diana@epa.gov>

Cc: "Lie, Sharyn" < Lie. Sharyn@epa.gov >, "Levy, Aaron" < Levy. Aaron@epa.gov >,

Gunasekara.mandy@epa.gov, Tim Lust <tim@sorghumgrowers.com>, "Bernadette Bern Rappold, Esq."

<rappoldb@gtlaw.com>

All,

Please see below for responses to your questions provided by Dr. Kim McCuistion, research professor at Texas A&M University-Kingsville and animal nutritionist for the Sorghum Checkoff. Please let me know if you have additional questions.

Thanks,

John

1. Nutrients listed do not sum to 100% because this table combines several different nutritional values that are highly important to animal feeding, but it is not a comprehensive list of the total nutrient profile from each feedstuff.

For example, four amino acids are listed, but all 20 are not listed with corresponding values. Lysine and Methionine are essential amino acids that are often the first to be considered when formulating rations. Likewise, these amino acids make up part of the Crude Protein fraction that is reported and shouldn't be viewed as summative.

Ash is a measure of the inorganic material. Calcium and phosphorus are inorganic minerals that are important in diet formulation. Often times these two macro-mineral values will be reported, without reporting other macro-and micro-minerals. Calcium and phosphorus are also part of the Ash fraction.

A proximate analysis would sum to 100%, but instead, this table captures the nutritional components that are most important and significant to animal nutritionists who will be formulation rations using sorghum DDGS.

2. Not all energy within a feedstuff is available for the animal to utilize for production purposes. Net energy is the energy available to the animal after accounting for the energy lost through physiologic and metabolic processes. The difference between net energy and metabolizable energy is that heat loss is taken into account when calculating for net energy. Net energy can then be used to meet energy demands for maintenance, lactation, growth, etc.

The attached slides taken from a Purdue University presentation (<a href="www.ansc.purdue.edu/courses/ansc221v/energy.ppt">www.ansc.purdue.edu/courses/ansc221v/energy.ppt</a>) give an overview of the difference between energy categories and what losses are accounted for in each.

3 a.1. In the table on 'Page 8' where displacement ratios are listed (for Corn, SBM, Urea--see below for this table), the amount of corn and/or SBM would be replaced in different quantities, but still at the same individual ingredient ratio when included together in a ration--whether corn or sorghum, de-oiled or not.

	Sorghum Distillers' Grains Displacement Ratio (lb of ingredient / lb of SDGS, dry matter basis)							
	Beef Cattle		Dairy Cattle		Swine		Poultry	
	full-		Full-		Full-		Full-	
Ingredient	Oil	Reduced Oil	Oil	Reduced Oil	Oil	Reduced Oil	Oil	Reduced Oil
Com	1.196	1.173	0.731	0.731	0.890	0.890	*	3
Soybean								
Meal			0.633	0.633	0.095	0.095	~	~
Urea	0.056	0.056	×	*		2	×	

- 3 a.2. Currently, there are no widely-accepted data available on corn or sorghum DDGS use in the poultry industry; therefore, accurate displacement rates cannot be calculated for corn or sorghum.
- 3 a.3. The table on 'Page 8' is adapted from:

Arora, S., M. Wu, and M. Wang. Update of Distillers Grains Displacement Ratios for Corn Ethanol Life-Cycle Analysis. 2008. Center for Transportation Research, Energy System Division, Argonne National Laboratory. p 11.

Values for corn DDGS were similar to full-oil sorghum DDGS and then adapted to de-oiled sorghum DDGS values. No poultry data was provided in this table due to an insufficient amount of data to calculate displacement ratios. It is important to note little agreement exists among nutritionists in this area. Case in point, information contained in Arora et al. was key in the RFS2 final rulemaking (which included an approval of corn oil as a biodiesel feedstock with no publicly documented analysis), and it notes "...poultry consumption was

excluded because feed composition and performance data available for poultry were insufficient." Furthermore, sorghum DDGS is not currently fed to poultry, and we do not expect this to change in a significant way.

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John Duff Strategic Business Director (806) 749-3478 office (806) 638-5334 cell sorghumgrowers.com

Sorghum: The Smart Choice.

On Mon, Sep 11, 2017 at 4:06 PM, Galperin, Diana < Galperin. Diana@epa.gov > wrote:

Dear John,

I received your call on Friday regarding your question on the timeline of the NODA. The draft is currently under internal review and we expect it will take several more weeks to respond to comments and make the requested revisions. The timing on publication, however, will ultimately rest with our leadership.

In looking through the materials, we had 3 additional questions in the attached document where your clarification would be greatly appreciated.

Please let us know if you have any further questions.

Sincerely,

Diana

Diana Galperin

Transportation and Climate Division

Office of Transportation and Air Quality

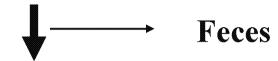
U.S. Environmental Protection Agency

Phone: 202-564-5687

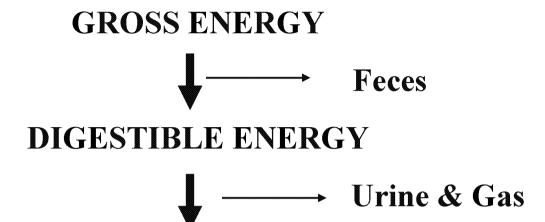
Galperin.diana@epa.gov

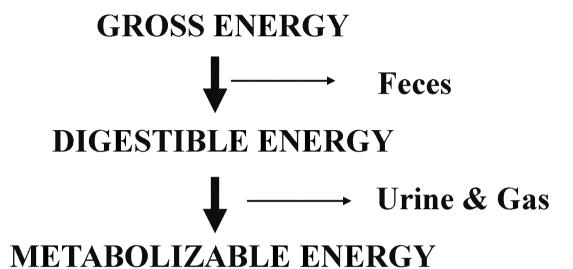
## **GROSS ENERGY**

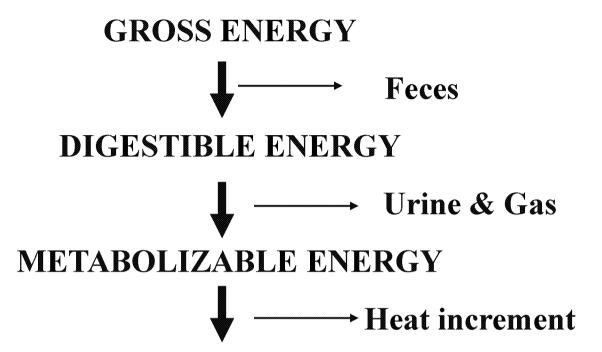
### **GROSS ENERGY**

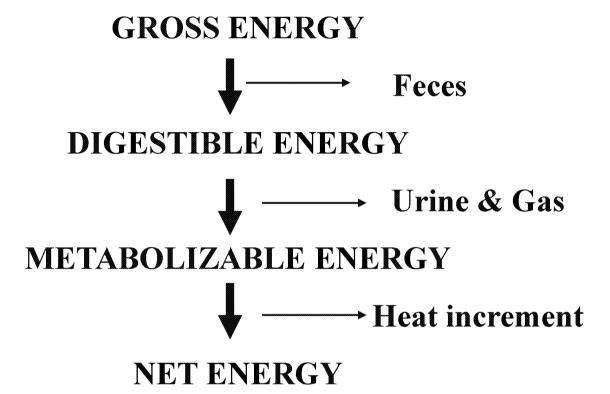


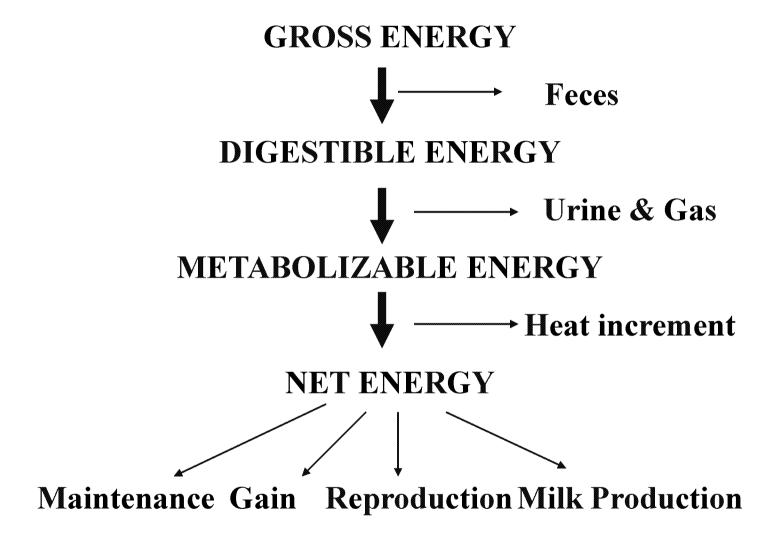
# GROSS ENERGY Feces DIGESTIBLE ENERGY











Gross Energy includes all the energy in a feed.

- •It is not all available to the animal
- •It is determined by how much heat is liberated upon combustion.

Digestible Energy is how much energy does not end up in the feces.

- •Therefore it was absorbed.
- •It is not all used by the animal, some is lost.

Metabolizable Energy is what is left after accounting for energy in feces, urine and gasses.

•It is still not all available for the animal to use.

# Net Energy

- Is what is left after accounting for losses to feces, urine & gasses and heat increment.
  - Heat increment is energy lost in fermentation and in metabolic processes.
- Net Energy is available for the animal to use.
- It is not used with the same efficiency for all processes.

## Net Energy

- Net Energy is always used most efficiently for maintenance.
- Milk production is almost as efficient as maintenance.
- Gain (growth and fattening) is less efficient.

## Net Energy

- Different uses for energy require different values be used for the energy content of feeds for each purpose.
- Maintenance needs must always be met first
- This complicates ration balancing.

September 11, 2017

Questions for NSP

1) In your January 18, 2017 response, you had provided a table on page 6 of Dr. Mass' report of the nutrient profile of reduced-oil sorghum Distiller's grains. The nutrient contents provided do not sum to 100%. Can you clarify why they do not, and if needed provide a modification to the table?

Nutrient	Full-Oil Sorghum DOGS*	Reduced-Oil Sorghum DDGS**
Dry Matter, %	89.84	89.94
Crude Protein, %	30.80	31.36
Crude Fat, % (a.k.a. Ether Extract)	9,75	3,91
Net Energy-beef growing, kcal/kg^	2144	1924
Net Energy-beef finishing, kcal/kg*	2011	1830
Net Energy-dairy, kcal/kg^^	1855	1873
Net Energy-swine, kcal/kg	2394	2053
Net Energy-poultry, kcal/kg^^^	2283	2135
Neutral Detergent Fiber (NOF), %	33.60	37.23
Acid Detergent Fiber (ADF), %	22.68	32.91
Ash, %	6.62	7.60
Calcium, %	0.12	0.08
Phosphorus, %	0.76	0.96
Lysine, %	0.82	0.62
Methionine, %	0.54	0.47
Cystine, %	0.53	0.61
Tryptophan, %	0.25	0.23

- 2) In this same table you noted the net energy for a variety of livestock. Can you clarify the definition here of net energy in terms of how it relates to metabolizable energy?
- 3) Finally, in your response from April 23<sup>rd</sup>, 2017. Dr. Mass noted on page 11 in answering question 3a, "When sorghum distillers grains are fed to poultry, they are fed in combination with other protein sources such as soybean meal. Based on empirical data from the Ag Marketing Resource Center of lowa State University, the suggested rate of corn by sorghum distillers grains (all types) is 0.292 lbs of corn displaced per lbs of distillers grains. There are no data available for feeding reduced oil sorghum distillers grains to poultry but it is expected to have the same effect in poultry as it does in swine (which is zero).
  - a. Can you clarify the amount of corn displaced by distillers grain when they are combined with soybean meal? Can you also provide data for the amount of soybean meal displaced by DGS for poultry? Please also provide a citation for this data and a full citation for the data gathered from the Ag Marketing Resource Center.

From: Paul Balserak [pbalserak@steel.org]

**Sent**: 9/25/2017 3:25:13 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bolen, Brittany

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]

Subject: Re: Introduction

Alex, how would October 12 at either 1:00 or 3:00 be?

Thanks very much,

Paul

Sent from my iPhone

On Sep 25, 2017, at 1:12 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

Hey Paul,

Happy to set something up. Would you be able to do:

Thursday, October 5<sup>th</sup> at 11:15AM or 4:00PM? Thursday, October 12<sup>th</sup> at 11:15AM or 4:30PM?

Best,

#### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

From: Paul Balserak [mailto:pbalserak@steel.org]

Sent: Friday, September 22, 2017 3:11 PM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Cc: Dominguez, Alexander < <a href="mailto:dominguez.alexander@epa.gov">dominguez, Alexander < <a href="mailto:dominguez.alexander@epa.gov">dominguez, Alexander < <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a>>; Bolen, Brittany < <a href="mailto:bolen.brittany@epa.gov">bolen.brittany@epa.gov</a>>

Subject: Introduction

Hi Mandy,

We have spoken on the phone once or twice, but have never had a chance to meet in person. I was wondering if we might have a brief meeting, either in your office or over coffee. I am out on business travel all next week, but would be happy to meet any time that is convenient for you upon my return. Please let me know.

Thanks very much,

Paul

Paul Balserak

#### EPA-HQ-2018-002296

Vice President, Environment

American Iron and Steel Institute 25 Massachusetts Ave. NW, Suite 800 Washington, DC 20001 202 452-7122 (office) 703 969-1789 (mobile)

From: Rupert Darwall [rupert.darwall@gmail.com]

**Sent**: 9/19/2017 9:48:21 AM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,];

yamada.richad@epa.gov

Subject: Scientists admit that world is warming more slowly than predicted

From yesterday's (London) Times

https://www.thetimes.co.uk/article/we-were-wrong-worst-effects-of-climate-change-can-be-avoided-say-scientists-k9p5hg5l0

Climate change disaster can be averted, say experts Scientists admit that world is warming more slowly than predicted

Ben Webster

The worst impacts of climate change can still be avoided, senior scientists have said after revising their previous predictions.

The world has warmed more slowly than had been forecast by computer models, which were "on the hot side" and overstated the impact of emissions, a new study has found. Its projections suggest that the world has a better chance than previously claimed of meeting the goal set by the Paris agreement on climate change to limit warming to 1.5C above pre-industrial levels.

The study, published in the journal Nature Geoscience, makes clear that rapid reductions in emissions will still be required but suggests that the world has more time to make the changes.

Michael Grubb, professor of international energy and climate change at University College London and one of the study's authors, admitted that his past prediction had been wrong.

He stated during the climate summit in Paris in December 2015: "All the evidence from the past 15 years leads me to conclude that actually delivering 1.5C is simply incompatible with democracy." He told The Times yesterday: "When the facts change, I change my mind, as [John Maynard] Keynes said. It's still likely to be very difficult to achieve these kind of changes quickly enough but we are in a better place than I thought."

The latest study found that a group of computer models used by the Intergovernmental Panel on Climate Change had predicted a more rapid temperature increase than had taken place. Global average temperature has risen by about 0.9C since pre-industrial times but there was a slowdown in the rate of warming for 15 years before 2014.

Myles Allen, professor of geosystem science at the University of Oxford and another author, said: "We haven't seen that rapid acceleration in warming after 2000 that we see in the models. We haven't seen that in the observations." He added that the group of about a dozen computer models, produced by government institutes and universities around the world, had been assembled a decade ago "so it's not that surprising that it's starting to divert a little bit from observations". Too many of the models used "were on the hot side", meaning they forecast too much warming.

According to the models, keeping the average temperature increase below 1.5C would mean that the world could emit only about 70 billion tonnes of carbon after 2015. At the present rate of emissions, this "carbon budget" would be used up in three to five years. Under the new assessment, the world can emit another 240 billion tonnes and still have a reasonable chance of keeping the temperature increase below 1.5C.

"That's about 20 years of emissions before temperatures are likely to cross 1.5C," Professor Allen said. "It's the difference between being not doable and being just doable."

Professor Grubb said that the fresh assessment was good news for island states in the Pacific, such as the Marshall Islands and Tuvalu, which could be inundated by rising seas if the average temperature rose by more than 1.5C. Other factors pointed to more optimism on climate change, including China reducing its growth in emissions much faster than predicted and the cost of offshore windfarms falling steeply in Britain. Professor Grubb called on governments to commit themselves to steeper cuts in emissions than they had pledged under the Paris agreement to keep warming below 1.5C. He added: "We're in the midst of an energy revolution and it's happening faster than we thought, which makes it much more credible for governments to tighten the offer they put on the table at Paris."

The Met Office acknowledged yesterday a 15-year slowdown in the rise in average temperature but said that this pause had ended in 2014, the first of three record warm years. The slowing had been caused by the Pacific Decadal Oscillation, a pattern of warm and cool phases in Pacific sea-surface temperature, it said. Analysis

When 194 nations met in Paris in 2015 and agreed to try to limit the increase in global average temperature to 1.5C, many scientists dismissed the goal as unattainable (Ben Webster writes).

They said it would be politically and economically impossible to cut emissions fast enough and that the world would have to prepare for worse droughts and heatwaves and islands disappearing beneath rising seas. Now it turns out the scientists were being too pessimistic and had been led astray by computer models. Other factors have also contributed to the new, more optimistic assessment, including the cost of renewable energy and China's emissions growth both falling faster than almost anyone had predicted. Computer models remain the best way to work out how quickly we need to cut emissions to avoid climate

change, but scientists could be nimbler at revising them when actual readings diverge from predictions.

From: David Fialkov [dfialkov@natso.com]

**Sent**: 9/15/2017 8:15:25 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Revised NATSO RVO Comment Letter

Attachments: NATSO RFS 2018 RVO Comments - Updated.pdf; NATSO Letter to EPA - Erratum.pdf

Good afternoon Mandy,

Please find attached a revised NATSO comment letter correcting a technical error that was included in our initial comments on the RVO Proposal. The error pertains to the projected dates for the final phase of the ITC investigation of imports of biodiesel from Argentina and Indonesia. The main takeaway from the correction is that it would be helpful if the Agency would provide input to the ITC **before January 8, 2018**, not the later date included in our original letter.

Attached is a letter outlining the correction and our revised comment letter that incorporates the correction. My apologies for any inconvenience this may cause and I appreciate your understanding and accommodation.

Have a great weekend,

Dave

\_\_

David H. Fialkov
Vice President, Government Relations
Legislative and Regulatory Counsel
NATSO, Representing America's Travel Centers and Truckstops
<a href="mailto:dfialkov@natso.com">dfialkov@natso.com</a>
(703) 739 - 8501



September 15, 2017

The Honorable Scott Pruitt Administrator United States Environmental Protection Agency 1200 Pennsylvania Avenue NW Washington, DC 20460

**Re:** Correction to NATSO August 31, 2017 comment letter submitted to the Environmental Protection Agency [Re: Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019 [EPA—HQ—OAR—2017—0091; FRL—9946—86—OAR]

#### Dear Administrator Pruitt:

NATSO submits this letter to correct a technical error in the comments it filed with the Environmental Protection Agency ("EPA" or the "Agency") on the Renewable Fuel Standard ("RFS" or the "Program") renewable volume obligations ("RVOs") for 2018 and biomass-based diesel RVOs for 2019 proposal ("Proposed Rule" or the "Proposal"). In our comment letter dated and filed electronically on August 31, 2017, NATSO projected dates for the final phase of the International Trade Commission ("ITC") investigation of imports of biodiesel from Argentina and Indonesia. NATSO wrote on page 12 that the ITC would collect prehearing briefs for this phase around January 16, 2018, hold a final phase hearing around January 22, 2018, and vote on the final determination of injury around March 1, 2018.

While updating our trade case date projection system, it came to our attention that the system had conflated a standard Department of Commerce ("DOC") antidumping investigation date with an extended date for a related step in the proceedings. The standard-schedule projections for the ITC final phase were, therefore, slightly miscalculated and the projected extended schedule dates were not independently projected. We are submitting this letter to correct this inaccuracy and to clarify the projected ITC final phase dates based on the reformulated system. Below, NATSO provides updated projections for the ITC final phase in the event that the DOC final determinations come at the standard time and in the event that these

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deadlines are fully extended. Though the final ITC phase dates presented here are approximations (actual dates will be apparent when the ITC releases a final phase schedule), our reformulated system projects the following:

#### Assuming standard deadlines for the DOC final determinations:

- ITC Final Phase Prehearing Briefs Due: ~January 8, 2018
- ITC Final Phase Hearing: ~January 15, 2018
- ITC Final Vote: ~February 16, 2018

#### Assuming extended deadlines for the DOC final determinations:

- ITC Final Phase Prehearing Briefs Due: ~March 6, 2018
- ITC Final Phase Hearing: ~March 13, 2018
- ITC Final Vote: ~April 16, 2018

In light of these updated projections, the fourth paragraph on page 12 of NATSO's August 31, 2017 comments should therefore read:

"Therefore, the ITC final investigation, where it would be most appropriate for the EPA to provide input, will likely begin with a hearing around January 15, 2018 and end with a vote around February 16, 2018 (assuming standard DOC final phase deadlines). It would be helpful if EPA input were provided by the pre-hearing brief submission deadline (one week before the expected hearing date, i.e. around January 8, 2018) so that the ITC considers EPA's perspective as fully as possible." Should the DOC final determinations be issued according to an extended schedule (thereby pushing the ITC final phase dates back) the EPA should provide input by March 6, 2018, ahead of a hearing around March 13, 2018 and a subsequent vote around April 16, 2018.

NATSO appreciates the opportunity to clarify these projections and update its comment filing.

Sincerely

David H. Flalkov

Vice President, Government Relations Legislative and Regulatory Counsel

**NATSO** 



August 31, 2017 [REVISED September 15, 2017]

The Honorable Scott Pruitt Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, D.C. 20460

**Re:** Renewable Fuel Standard Program: Standards for 2018 and Biomass-

Based Diesel Volume for 2019

[EPA—HQ—OAR—2017—0091; FRL—9946—86—OAR]

Dear Administrator Pruitt:

NATSO, Representing America's Travel Centers and Truckstops, appreciates the opportunity to submit the following comments in response to the Environmental Protection Agency's ("EPA's" or the "Agency's") proposed rule on the Renewable Fuel Standard ("RFS" or the "Program") renewable volume obligations ("RVOs") for 2018 and biomass-based diesel RVOs for 2019 ("Proposed Rule" or the "Proposal"). <sup>1</sup>

NATSO's members generally support the Proposal because it appropriately recognizes that the RFS has the potential to cause problems in the retail fuels market if the statutory RVOs are left unchanged, and seeks to address these potential problems while still accomplishing the Program's objectives – diversifying, increasing, and improving the emissions characteristics of the nation's fuel supply while lowering costs for consumers.

The success of the Renewable Fuel Standard will hinge on NATSO's members' ability to acquire, blend, and sell biodiesel on a cost-effective basis relative to traditional diesel fuel. Given the central importance of trucking and diesel fuel in our nation's supply chain for goods, low-cost biodiesel not only makes fuel cheaper for fleets and truck drivers, but it subsequently makes all goods more affordable.

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<sup>&</sup>lt;sup>1</sup> 82 Fed. Reg. 34206 (July 21, 2017).

As discussed further below, the Program's objectives could be accomplished to the maximum extent by encouraging U.S. consumption of renewable fuel regardless of whether such fuel is produced domestically or overseas. In the Proposal, EPA appears to take the position that the RFS is designed only to encourage consumption of domestically produced biofuels.<sup>2</sup> This is unsound policy, inconsistent with the Program's purpose, and ultimately may run afoul of international trade law.

That being said, the Agency must remain cognizant of external policy deliberations and outcomes – such as matters currently before the International Trade Commission and the Department of Commerce, as well as the fate of the biodiesel blenders' tax credit in Congress – as it establishes RVOs. The best policy for NATSO's members and their customers is a robust RFS that accommodates renewable fuel *regardless of its source*. Policy deliberations that could limit renewable fuel imports will directly affect the market's ability to acquire and consume renewable fuel.

The comments that follow are designed to assist the Agency in maintaining a regulatory environment that facilitates these objectives.

# I. SUMMARY OF NATSO'S COMMENTS

- NATSO is the premier trade association representing travel plaza and truckstop owners and operators. Highway travel plazas and truckstops sell approximately 90 percent of all diesel fuel sold at retail in the United States. Thus, in light of the integral role that biodiesel plays in achieving the RFS's objectives, the success of the RFS will hinge on NATSO's members' ability to sell biodiesel on a costeffective basis.
- NATSO believes EPA should always utilize its statutory waiver authority if necessary to avoid mandating a higher volume of renewable fuel than the market can reasonably absorb. This phenomenon is commonly referred to as the "blendwall," which represents the point at which there is an insufficient number of Renewable Identification Numbers available to satisfy obligated parties' RVOs.
  - This is distinct from the point at which the RVO for a certain category of renewable fuel cannot be met solely by fuel within the category itself, but still can be met by relying on fuel from a different category.
- With respect to the total renewable fuel category (ethanol), the factors contributing to the blendwall are a combination of a lack of consumer demand, equipment compatibility concerns, and retailer exposure to litigation and enforcement proceedings for ethanol blends greater than E10. However, there is no blendwall for biodiesel at this time, meaning there is sufficient infrastructure and consumer demand in place to enable the distribution, sale, and consumption

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<sup>&</sup>lt;sup>2</sup> 82 Fed. Reg. 34211-34212.

of the statutory total for advanced biofuel mandates. Instead, the primary factor that EPA must consider in ensuring the RVOs are not undesirably ambitious is *blending economics*.

- EPA faces a delicate balance with respect to biodiesel: On the one hand, increasing mandates under the RFS can enable NATSO members to sell the product to consumers at lower prices and thereby increase consumer demand for biodiesel; at the same time, if RVOs are set *too high*, prices for diesel fuel could potentially rise, which would have an adverse effect on NATSO members and the U.S. economy as a whole.
- As it proceeds with this rulemaking, EPA must be cognizant of the variety of policy and economic factors that influence the price of and thus the market demand for biodiesel. Any policy changes that would lead to an increase in the price of biodiesel and renewable diesel in the United States would lower consumer demand for those products and restrict the Agency's ability to establish ambitious RVOs.
- The biodiesel blenders' tax credit has made buying, blending, and selling biodiesel more attractive to many diesel retailers and wholesalers. The credit expired at the end of 2016 and its prospects for extension either in its current form or as a modified *producers*' credit are uncertain.
  - o This *uncertainty* is generally what causes the lack of a tax credit to result in less favorable blending economics during periods where the credit is not in place throughout a year. Absent this uncertainty, RIN prices in a world with no biodiesel tax credit would likely upwardly adjust to reflect the lack of value biodiesel blenders and producers realize via the credit.
  - Efforts to convert the credit to a producers' tax credit are designed to block imports and improve domestic producers' leverage to raise prices. This would substantially reduce retailers' incentives to acquire, and thus consumers' incentives and ability to purchase, biodiesel—including domestically produced biodiesel.
- Recently, the United States Department of Commerce instituted antidumping and
  countervailing duty investigations regarding alleged subsidized and dumped
  imports of biodiesel from Argentina and Indonesia. Biodiesel imports, however,
  have increased the amount of biodiesel that Americans consume. If these imports
  were to cease, many markets that have been served by imported product would
  not simply switch to domestically produced biodiesel; instead, biodiesel blending
  could stop altogether.
  - O The threat of retroactive duties has had the practical effect of drying up biodiesel imports from Argentina for the final four months of 2017. This could continue into 2018 and beyond.

- NATSO urges EPA to communicate with the proper officials at the International Trade Commission and the Department of Commerce to articulate the Agency's role in incentivizing imports and to advocate for the free flow of biodiesel into the United States.
- The RIN market is functioning properly. It contains a number of built-in buffers that prevent "market manipulation." That being said, NATSO's members would welcome additional oversight and enforcement if the Agency deems it necessary.

# II. NATSO, INC.

NATSO is a national trade association representing travel plaza and truckstop owners and operators. NATSO's mission is to advance the success of truckstop and travel plaza members.

Since 1960, NATSO has dedicated itself to this mission and the needs of truckstops, travel plazas, and their suppliers by serving as America's official source of information on this diverse industry. NATSO also acts as the voice of the industry on Capitol Hill and before regulatory agencies.

NATSO currently represents approximately 1700 travel plazas and truckstops nationwide, comprised of more than 1,000 chain locations and several hundred independent locations. Approximately 80 percent of NATSO members' facilities are located within one-quarter mile of the Interstate Highway System, servicing interstate travelers exiting the highway and serving as the "home away from home" for the nation's professional truck drivers.

Highway travel plazas and truckstops sell 90 percent of all diesel fuel sold at retail in the United States. NATSO members prefer long markets with a variety of supply options to offer their customers. As with any successful retailer, NATSO members simply want to sell products that their customers want to buy. In their efforts to provide the most competitively priced fuel to their customers, many NATSO members buy and blend biodiesel into diesel fuel when the blending economics allow them to do so. As the biodiesel industry matures, more and more truckstop operators are considering expanding into biodiesel blending. Even those that do not blend frequently purchase pre-blended biodiesel and pass along the associated savings to their customers.

# III. NATSO SUPPORTS EPA'S EXERCISE OF ITS WAIVER AUTHORITY

NATSO believes that EPA should always utilize its statutory waiver authority, if necessary, to avoid mandating a higher volume of renewable fuel than the market can reasonably be expected to absorb. Although this undesirable outcome can occur in both the total renewable fuel (D6) category (with respect to ethanol) and the biomass-based

diesel (D4) and total advanced (D5) categories (generally with respect to biodiesel), the factors that may contribute to it in those respective categories are different.<sup>3</sup>

# A. Definition of the "Blendwall"

The phenomenon of mandating more fuel than the market can absorb is commonly referred to as the "blendwall." As a practical matter, the blendwall represents the point at which there is an insufficient number of Renewable Identification Numbers ("RINs") available to satisfy obligated parties' RVOs. If the RFS's volume obligations exceed the quantity of RINs available to obligated parties, the market would hit the blendwall. This would lead to a significant increase in the price for RINs that are available. Some obligated parties could fail to acquire sufficient RINs and face fines from EPA. Others would take steps to reduce their obligations under the Program by, for example, reducing or exporting production. All of these scenarios would add costs to fuel production and, as happens in every industry, these costs will be passed down to retailers and ultimately will be absorbed by consumers.

It is important to note that the point at which there is an insufficient number of RINs available to satisfy obligated parties' RVOs (*i.e.*, the blendwall) is *distinct* from the point at which the RVO for a certain category of renewable fuel cannot be met solely by fuel within the category itself, but still *can* be met by relying on fuel from a different category. Certain stakeholders have taken the position that this latter scenario is in fact the blendwall. It would be a mistake for the Agency to assume this position.

For example, "excess" biomass-based diesel consumed beyond the mandated requirement for that category can be used to satisfy both advanced and total renewable fuel obligations. This enables EPA to mandate a greater volume of total renewable fuel than the market could meet assuming all gasoline sold contains 10 percent ethanol (plus reasonable E15 and E85 projections), recognizing that excess biomass-based diesel could supplement the total renewable fuel category as well. This scenario is not hitting the "blendwall," but is in fact the RFS functioning as Congress designed it to function.

# B. <u>Factors Contributing to the Blendwall in Different Categories of</u> Renewable Fuel

With respect to the total renewable fuel category (ethanol), the factors contributing to the blendwall are combination of a lack of consumer demand, equipment compatibility

<sup>&</sup>lt;sup>3</sup> NATSO does not object to the Agency's determination that it is unnecessary to utilize EPA's general waiver authority and instead rely solely on the cellulosic waiver authority. NATSO does, however, encourage EPA to utilize its general waiver authority, if necessary, to avoid undesirable consequences. In light of a recent court decision, NATSO would encourage EPA in such instances to utilize the *severe economic harm prong* of the Agency's general waiver authority in order to survive potential legal challenges. *See Americans for Clean Energy et al. v. U.S. Environmental Protection Agency*, No. 16-1005, U.S. Court of Appeals for the D.C. Circuit (July 28, 2017), *available at* <a href="https://www.cadc.uscourts.gov/internet/opinions.nsf/5F1D8BC9815C4C698525816B00543925/\$file/16-1005-1686284.pdf">https://www.cadc.uscourts.gov/internet/opinions.nsf/5F1D8BC9815C4C698525816B00543925/\$file/16-1005-1686284.pdf</a>.

concerns, and retailer exposure to litigation and enforcement proceedings for sales of ethanol blends greater than E10.<sup>4</sup>

With respect to the biomass-based diesel and total advanced categories (generally biomass-based diesel plus a modicum of Brazilian sugar cane ethanol), there is no "blendwall" at this time, meaning there is sufficient infrastructure and consumer demand in place to enable the distribution, sale, and consumption of the statutory total advanced biofuel mandates. Instead, the primary factor that EPA must consider in ensuring the RVOs are not undesirably ambitious is <u>blending economics</u>, *i.e.*, whether retailers can acquire and blend biodiesel into diesel fuel such that the value proposition is attractive for them and their customers. Feedstock availability and the market's capacity to import and distribute the product are critical to this analysis.

#### IV. THE ECONOMICS OF BIODIESEL

While NATSO members sell gasoline and gasoline blended with ethanol to their customers, their primary interest in the RFS pertains to biodiesel.

EPA faces a delicate balancing act with respect to biodiesel: On the one hand, steady, increasing biomass-based diesel and advanced biofuel mandates under the RFS create demand for RINs. This can serve to lower the costs of acquiring and blending biodiesel, which in turn enables NATSO members to sell their products to consumers at lower prices and thereby increase consumer demand for biodiesel. At the same time, if these RVOs are set too high, it will increase obligated parties' operating costs and potentially impose upward pressure on the cost of diesel fuel. (Obligated parties will want to recover the costs of acquiring and retiring the necessary RINs, and/or will be incentivized to export diesel fuel to avoid incremental RVO increases.) The diminished domestic supply will lead to higher diesel prices.

<u>Litigation / Enforcement Exposure</u> – Retailers who store and dispense higher renewable fuel blends than E10 are exposed to potential lawsuits and EPA enforcement actions for customer misfueling (placing E15 or E85 into a vehicle for which the product is not authorized), a concern that is magnified by the fact that EPA's rule authorizing the sale of E15 bifurcates the motor vehicle market by restricting E15's use to model year 2001 and newer vehicles, while prohibiting its use in older models. Additionally, many vehicle manufacturer owner's manuals and warrantees do not authorize the use of fuel blends greater than E10, and retailers may be exposed to litigation for selling a fuel that voids a customer's vehicle warranty.

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<sup>&</sup>lt;sup>4</sup> <u>Insufficient Demand</u> – Consumers have not shown a substantial interest in higher blends of renewable fuel, largely due to diminished gas mileage, and until they do, retailers will have little interest in investing in and offering for sale products that their customers do not want to buy. Very few retailers offering E15 and E85, for example, have generated strong sales of such products.

Equipment Compatibility Concerns – Federal and state laws, as well as banking covenants, fire codes, and other mandates require retailers to store and dispense renewable fuel blends in equipment that has been listed by a nationally recognized testing laboratory as compatible with the fuel. No fuel dispenser manufactured prior to 2010 has such a listing, and retailers are often unable to verify whether their underground storage tank is listed. Replacing this perfectly functioning equipment is exceedingly expensive, particularly given the small margins on which most fuel retailers operate and the questionable return-on-investment due to consumers' lackluster demand for higher blends.

Biodiesel fuel is more expensive to produce than its petroleum-derived counterpart. However, a number of federal policies – including the RFS – have encouraged biodiesel blending and sales. Achieving the proper balance in establishing RVOs requires EPA to consider a variety of policy and economic factors influencing biodiesel prices in the United States.

#### A. RINs and the RFS

Under the RFS, NATSO members can acquire biodiesel with RINs attached, blend the product with diesel fuel, and separate the RINs from the biodiesel. The RIN then becomes a commodity that NATSO members can sell to obligated parties. This transaction makes biodiesel less expensive than diesel fuel for NATSO members. A RIN, in effect, closes the price gap between what a blender would be willing to pay for the energy value of a gallon of biodiesel and the price for which the biodiesel producer is able to sell it and still earn a profit.

Additionally, Congress has historically passed a biodiesel blenders' tax credit that has further enabled biodiesel blenders – including NATSO members – to earn a profit selling biodiesel. Although this credit has a turbulent history of expiring and then being reinstated (sometimes retroactively), the blenders' credit has made buying, blending, and selling biodiesel more attractive to many diesel retailers and wholesalers.

The biodiesel tax credit expired at the end of 2016 and its prospects for extension – either in its current form or as a modified *producers*' credit – are uncertain. This *uncertainty* is generally what causes the lack of a tax credit to result in less favorable blending economics during periods where the credit is not in place throughout a year (even though it has historically been extended retroactively). Indeed, absent this uncertainty, one would expect RIN prices in a world with no biodiesel tax credit to upwardly adjust for the lack of value that biodiesel blenders and producers realize via the credit. RIN prices, therefore, are currently – in a world with no tax credit – artificially low because the possibility of the credit being extended retroactively is "baked in" to the price.

(For this reason, NATSO strongly supports legislation introduced by Representatives Diane Black (R-TN) and Ron Kind (D-WI) that would extend and *phase out* the biodiesel blenders' tax credit. This legislation – H.R. 3264 – would provide a tax credit to biodiesel blenders in the amount of \$1.00/gallon in 2017 and 2018, \$0.75/gallon in 2019, \$0.50/gallon in 2020 and 2021, and \$0.0 in 2022 and later. This viable off-ramp provides the market with the long-term certainty necessary to properly value the renewable fuel – and its associated RINs – and sufficiently incentivize the production, blending, and consumption of biodiesel. When the credit lapses in 2022, RIN prices would be expected to sufficiently compensate for the lost value that the tax credit had provided.)

It is also worth noting that certain lawmakers have proposed eliminating the biodiesel blenders' tax credit and replacing it with a biodiesel producers' credit. If this change were to become law, it would substantially reduce retailers' incentives to acquire, and thus consumers' incentives and ability to purchase, biodiesel. There are several reasons for this:

First, it would provide domestic biodiesel producers far more leverage to retain a greater amount of the credit than they currently capture in negotiating purchase agreements with fuel wholesalers and retailers. This would reduce the value that downstream parties are able to realize and pass on to customers, thereby limiting the price competitiveness of biodiesel blends at retail, which will render that product less attractive to consumers.

Second, the credit would only apply to biodiesel produced in the United States, negating the downward pressure that foreign supply can impose on domestic prices. At the same time, it would again give domestic biodiesel producers greater leverage to increase prices. Currently, the *option* of importing biodiesel into the United States forces domestic producers to offer their product at a lower cost. If the blenders' credit were converted to a producers' credit, imports could no longer "keep domestic producers honest" in this respect.

The Agency appears to under-appreciate this principle in discussing the impact of the biodiesel blenders' tax credit being converted to a producers' credit. Not only would a producers' credit simply cut off imported product into the United States, but it would result in less consumption of *domestic* biodiesel because the *cost* of domestic biodiesel would increase due to a lack of competition, thereby decreasing demand.

Areas of the U.S. that have been primarily served by product from offshore sources – such as California, the Gulf, and the Northeast – would be especially affected by this development and would likely see a marked increase in diesel consumption (and an associated diminution in any air quality benefits associated with biodiesel consumption). Because biodiesel cannot be shipped via pipeline, but only by more expensive modes such as rail and truck, it is often not economical to transport product from the primary production points (generally the Midwest) to these coastal markets. As such, biodiesel that had previously been imported into the United States would not necessarily be replaced with domestically produced biodiesel, but would more likely be replaced with neat diesel fuel.

Additionally, converting the biodiesel blenders' credit to a producers' credit would incentivize domestic producers to export product, as they would receive a tax credit regardless of where the product is ultimately consumed. This would diminish U.S. supply, increase prices, lower consumer demand, and restrict EPA's ability to responsibly establish ambitious RVOs. This could also create trade tensions between the U.S. and its international partners and reduce the amount of BBD available in the U.S. to fulfill RFS mandates.

<sup>&</sup>lt;sup>5</sup> See, e.g., 82 Fed. Reg. 34226, n.73

## B. Biodiesel Imports

EPA's decision to allow streamlined Argentinian biodiesel imports to generate RINs under the RFS<sup>6</sup> is another example of public policy that serves to increase the supply of biodiesel in the United States that can be acquired and sold at a lower cost than diesel fuel. This in turn imposes downward pressure on prices.

Such a process, incidentally, is fully consistent with the Program's goals. The Agency appears to presume that the RFS's goals are solely to increase U.S. energy independence and increase the domestic production of renewable fuel. This is an incomplete account of the Program's goals, which are to (i) reduce America's reliance on petroleum imports from *unstable regions of the world*, where such reliance can have negative geopolitical implications; (ii) reduce greenhouse gas emissions and improve air quality by incentivizing domestic consumption of cleaner-burning fuels; and (iii) facilitate a market for American farmers.

Recently, the United States Department of Commerce imposed preliminary duties on allegedly subsidized and dumped imports of biodiesel from Argentina and Indonesia. <sup>8</sup> Because of the significant impact this matter can have on the RFS, and in response to the Agency's request for comment, <sup>9</sup> we address this issue in detail below.

# 1) Impact of Trade Cases

# Overview

In recent years, many NATSO members have incorporated imported biodiesel into their diesel fuel in a manner that makes the final product they sell to truck drivers less expensive than straight diesel fuel. In those regions of the country where this has occurred, it is generally not economical to incorporate domestically produced product into their diesel fuel supply; transportation costs for moving the product from where it is produced (generally the Midwest) to these markets would render the blended product more expensive than neat diesel (even accounting for value realized from RIN sales and a biodiesel tax credit).

Imported product has imposed downward pressure on the price of domestically produced biodiesel as well, by introducing enhanced competition into the market.

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<sup>&</sup>lt;sup>6</sup> See Environmental Protection Agency, Letter from Byron Bunker, Director, Compliance Division, Office of Transportation and Air Qualify. Jan. 27, 2015, available at

http://www.epa.gov/otaq/fuels/renewablefuels/documents/carbio-decision-document-2015-01-27.pdf. <sup>7</sup> 82 Fed. Reg. 34212, *citing* what appears to be simply the title of the "Energy Independence and Security Act of 2007." This statute, incidentally, is a part of the Clean Air Act.

<sup>&</sup>lt;sup>8</sup> Department of Commerce, International Trade Administration, Preliminary Affirmative Countervailing Duty Determination (Argentina), 82 Fed. Reg. 40748 (Aug. 28, 2017); Department of Commerce, International Trade Administration, Preliminary Affirmative Countervailing Duty Determination (Indonesia), 82 Fed. Reg. 40746 (Aug. 28, 2017).

<sup>&</sup>lt;sup>9</sup> 82 Fed. Reg. 34212

Thus, biodiesel imports have increased the amount of biodiesel that Americans consume, both by increasing the number of markets where biodiesel is available, and by decreasing the price that consumers ultimately pay for biodiesel blends (thereby increasing demand). If these imports were to cease, domestic biodiesel producers would not need to worry about foreign competition and thus would have more leverage to raise prices, making the product less attractive to consumers. In addition, markets that have been served by the imported product would not simply switch to domestically produced biodiesel; instead, biodiesel blending would likely stop altogether until a more economical replacement can be identified.

As discussed below, petitions seeking to halt imports from Argentina and Indonesia are currently under consideration at the Department of Commerce and the International Trade Commission. Although no final decision has been made, the petitions carry the prospect of retroactive duties being imposed on importers (preliminary duties have already been imposed). This threat has had the practical effect of drying up biodiesel imports from these countries for the final four months of 2017. It is likely that this development will continue into 2018 and potentially beyond.

Thus, the petitions have the potential to severely undercut the Agency's effort to effectively implement the RFS. As discussed further below, NATSO urges EPA to weigh in with the proper officials at the International Trade Commission to articulate the Agency's role in incentivizing imports and to advocate for the free flow of biodiesel into the United States.

# Background

On March 23<sup>rd</sup>, the National Biodiesel Board Fair Trade Coalition filed antidumping and countervailing ("AD/CV") duty petitions with the Department of Commerce ("DOC") and International Trade Commission ("ITC") alleging that dumped and subsidized imports of biodiesel from Argentina and Indonesia are injuring the U.S. industry. The Coalition, comprised of the National Biodiesel Board ("NBB") and 15 individual companies, seeks significant AD/CV duties that would shield domestic biodiesel producers from foreign competition.

Argentina and Indonesia are the second- and third-largest sources of U.S. biodiesel imports. Imports from Argentina in particular expanded from 46.7 million gallons in 2014 to 440.3 million gallons in 2016. In the meantime, U.S. domestic producers' market share decreased from 86% to 67.7%. (U.S. producers' total sales and shipments, however, have markedly increased, ending 34.7% higher at the end of 2016 compared

701-TA-571-572 and 731-TA-1347-1348 (Preliminary) (April 14, 2017).

<sup>&</sup>lt;sup>10</sup> See Biodiesel from Argentina and Indonesia; Antidumping and Countervailing Duty Petitions on behalf of the National Biodiesel Board Fair Trade Coalition and its individual members, ITC Inv. No. 701-TA-571-572 and 731-TA-1347-1348 (Preliminary) (March 23, 2017); International Trade Commission Compiled Import Statistics from the Census Bureau, Biodiesel from Argentina and Indonesia, ITC Inv. No.

with 2014.<sup>11</sup>) On the whole, imports account for nearly a third of the total U.S. biodiesel market.

In order for duties under AD/CVD orders to be imposed, the DOC must make a final affirmative finding of dumping and subsidization and the ITC must reach an affirmative final determination on injury. Both agencies conduct preliminary and final investigations.

With respect to the ITC injury investigation, petitioners argue that increased imports have caused "injury" to U.S. producers by depressing prices and depriving them of market share. The ITC reached a preliminary affirmative determination finding a reasonable indication of injury to the domestic industry in May.

The case is now before the DOC, where the NBB has alleged that Argentine and Indonesian companies are dumping biodiesel in the U.S. (selling it well below their costs of production) and benefitting from government subsidies, namely direct grants in Indonesia and export restrictions and tax rebates in Argentina. The DOC announced preliminary subsidy rates "rang[ing] from 50.29%-64.17% for Argentina and 41.06%-68.28% for Indonesia" on August 22, 2017. These rates establish the additional duties, as a percentage of import value, owed by importers of subject biodiesel. Importers become liable for these duties — and must post bonds or direct cash deposits in the amount preliminarily determined — once the DOC findings are officially published in the Federal Register. The DOC's preliminary dumping determinations are expected by October 19, 2017. The NBB seeks antidumping duties of up to 23.3% and 34.0% on Argentine and Indonesian product respectively, meaning the total punitive duties, which are largely additive, imposed on certain subject imports could near or surpass 100% of shipment value.

The NBB also alleged "critical circumstances" for imports from Argentina. When successful, a critical circumstances claim results in the retroactive imposition of duties on shipments entering 90 days prior to the dates on which the DOC preliminary determinations are published in the Federal Register. Both the DOC and ITC must issue affirmative critical circumstances determinations for retroactive duties to be imposed.

A critical circumstances allegation at the DOC, in both AD and CVD investigations, is based on a showing of "massive imports" immediately after the filing of the petition. <sup>14</sup> In AD cases, the DOC must also determine that there is a "reasonable basis to believe or suspect" that (1) importers "knew or should have known" that the product in question was being dumped into the U.S. so as to likely cause "material injury" or (2) that "a history of dumping and material injury" due to imports exists in the U.S. or another

<sup>14</sup> 19 U.S.C. § 1673b(e)(1)(B).

<sup>&</sup>lt;sup>11</sup> Biodiesel from Argentina and Indonesia, USITC Pub. 4690, Inv. No. 701-TA-571-572 and 731-TA-1347-1348 (Preliminary) (May 2017), https://www.usitc.gov/publications/701\_731/pub4690.pdf <sup>12</sup> See Petition. For Argentine export restraints and tax benefits, see generally Petition, 17-52. For information on the most significant Indonesian grant programs, see Petition 57-65.

<sup>&</sup>lt;sup>13</sup> See Jennifer A. Dlouhy and Mario Parker, "U.S. Proposes Duties on Biodiesel Imports, Trade Group Says," Bloomberg Government, August 22, 2017.

country. 15 In CVD cases, the DOC must find, alongside a finding of "massive imports," that there is "a reasonable basis to believe or suspect" that the alleged illegal subsidy provided to foreign exporters violates the WTO Agreement on Subsidies and Countervailing Measures. 16

In its preliminary CVD determination, the DOC has found that critical circumstances exist with respect to biodiesel produced and exported by LDC Argentina S.A. and Vicentin S.A.I.C. However, the DOC did not find critical circumstances for imports from other Argentine companies.

For an affirmative critical circumstances determination at the ITC, the ITC must find that imports arriving after the petition filing but before the DOC preliminary determinations "undermine seriously the remedial effect" of the DOC's duties. 17 Though it is rare for the ITC to issue such a finding, if the ITC were to decide in the affirmative, retroactive CV duties of 50.29% and 64.17%, respectively, would be imposed on biodiesel from LDC Argentina and Vicentin. An affirmative finding by the ITC would also subject certain Argentine companies to retroactive antidumping duties should the DOC find critical circumstances in its dumping investigation.

As noted above, both the ITC and the DOC will still conduct final investigations. The schedule for the ITC final phase will likely be based upon the timing of the CVD preliminary determination, as that was the earliest of the DOC's determinations.

Therefore, the ITC final investigation, where it would be most appropriate for the EPA to provide input, will likely begin with a hearing around January 15, 2018 and end with a vote around February 16, 2018 (assuming standard DOC final phase deadlines). It would be helpful if EPA input were provided by the pre-hearing brief submission deadline (one week before the expected hearing date, i.e. around January 8, 2018) so that the ITC considers EPA's perspective as fully as possible." Should the DOC final determinations be issued according to an extended schedule (thereby pushing the ITC final phase dates back) the EPA should provide input by March 6, 2018, ahead of a hearing around March 13, 2018 and a subsequent vote around April 16, 2018.

# Problems with Petitioners' Position

The fact that imports from Argentina and Indonesia rose significantly over the past few years does not necessarily indicate dumping or unfair subsidies or that the U.S. industry is injured by reason of imports. Alongside the logistical, geographical and chemical advantages imports maintain in certain U.S. market segments, U.S. policy also contributes to current trends. In January 2015, for example, the EPA determined that

<sup>&</sup>lt;sup>15</sup> 19 U.S.C. § 1673b(e)(1)(A)(ii); 19 U.S.C. § 1673b(e)(1)(A)(i).

<sup>&</sup>lt;sup>16</sup> 19 U.S.C. § 1671b(e)(1)(A).

<sup>&</sup>lt;sup>17</sup> 19 U.S.C. § 1673d(b)(4)(A)(i).

<sup>&</sup>lt;sup>18</sup> For information on factors beyond price affecting purchasers' decisions to choose imports over domestic product, see USDA Biodiesel/Renewable Diesel Market Presentation, Biodiesel from Argentina and Indonesia, Inv. No. 701-TA-571-572 and 731-TA-1347-1348 (Preliminary) (April 14, 2017) and Biodiesel

the Argentine biodiesel tracking system "fulfill[ed] the recordkeeping requirements" of the [U.S. Renewable Fuel Standard (RFS) Program]," thereby allowing Argentine biodiesel to generate RINs. <sup>19</sup> Argentine biodiesel could subsequently count towards importers' and refiners' individual RVOs within the overarching RFS mandate.

In addition, imported (and domestically produced) biodiesel qualifies for the U.S. tax credit given to companies that *blend* biodiesel with petro-diesel. As noted above, although the tax credit expired in December 2016 and has yet to be restored, past reinstatements after lapses provided for retroactive application covering gap periods where the credit is not in effect. In addition, the credit successfully incentivized the increased blending of biodiesel into the fuel supply, which had been minimal prior to its existence.

Allegations of "critical circumstances" are also unwarranted and divert attention from market realities that the EPA must consider when establishing RVOs. The NBB shows that imports from Argentina in April-June 2017 increased by 31.4% on year and by 144.5% from the first three months of 2017. The NBB conveniently ignores that this was a regular occurrence, and was not tied to the petition filing. Indeed, imports from Argentina rose by 360% from January-March 2016 to April-June 2016. Further, for past years, most (or all, in 2014) biodiesel from Argentina arrived in the U.S. in the second half of the year (as expected given that it is summer in the southern hemisphere, *i.e.*, the prime season for feedstock harvesting and biodiesel production). Evidently, the petition filing did not lead to any more "massive" of an increase than could have occurred otherwise. In reality, the increase was predictable on account of crop growing seasons in the southern hemisphere, and the market's desire to blend (and then store) as much product as possible at the end of 2016 when the tax credit was still in place.

In fact, the opposite occurred after the petition was filed – new shipments ceased. Given short-term price fluctuations for biofuels, multi-month contracts are usually attractive and pervasive. Virtually every imported gallon of biodiesel that entered the U.S. from Argentina after the petition was filed was contracted for *prior* to the filing; once the petition was filed, no new imports were arranged. At this point, there are no known cargoes of biodiesel from Argentina or Indonesia scheduled for after September 1, 2017, and certainly no such cargoes contracted for after the petitions were filed.

from Argentina and Indonesia, USITC Pub. 4690, Inv. No. 701-TA-571-572 and 731-TA-1347-1348 (Preliminary) (May 2017).

<sup>&</sup>lt;sup>19</sup> Letter from Byron Bunker, Director, Compliance Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency to Victor A. Castro, Executive Director, CARBIO (January 27, 2015).

<sup>&</sup>lt;sup>20</sup> See *Biodiesel from Argentina: Critical Circumstances Allegation*, U.S. Department of Commerce Inv. No. A-357-820, C-357-821 (July 10, 2017).

<sup>&</sup>lt;sup>21</sup> International Trade Commission Compiled Import Statistics from the Census Bureau, *Biodiesel from Argentina and Indonesia*, ITC Inv. No. 701-TA-571-572 and 731-TA-1347-1348 (Preliminary) (April 14, 2017).

As a practical matter, however, the petition has dissuaded importers and purchasers from securing future foreign shipments; importers expected high duties to apply by the end of August 2017.

# Impact of Biodiesel Trade Cases on the RFS – Considerations for EPA

The EPA will need to consider the effects of AD/CV duties on supply when finalizing the Proposal. Moreover, the EPA should consider supply distortions stemming from the very filing of the petition. This will be particularly important with regard to Argentina. Indonesian biodiesel only qualifies for the D6 RIN category, but Argentine biodiesel can be used towards compliance with the D4 RVO as well as the D5 and D6 RVOs. The EPA must consider the effects of severely restricting supply of a fuel applicable to multiple, nested categories.

As the EPA notice from July 21, 2017 explains, imported BBD accounted for 29% of the D4 RINs available for compliance in 2016. Argentine product comprises 62% of biodiesel imports generally and nearly three fourths of imports that might qualify for D4 classification. If DOC does not ultimately impose AD/CV duties on these imports, the EPA can be far more aggressive in establishing biomass-based diesel and advanced biofuel mandates. However, the DOC has already imposed initial CV rates and it is highly likely that the DOC imposes preliminary antidumping duties at some level. The EPA must account for the diminished biodiesel blending and consumption that will occur in 2018 and beyond in establishing the RVOs, so as to reflect the impact of anti-subsidy restrictions and imminent antidumping restrictions on approximately one-fifth of D4-qualifying volumes. EPA must establish RVOs lower than it otherwise would to reflect this reality.

# Conclusion

Imports help achieve the RFS Program's objectives. NATSO supports continued, unhindered access to imported biodiesel. A policy environment in which imports qualify for the blenders' credit and are unrestricted by AD/CV duties ensures a healthy supply of the renewable fuel that is most valuable and integral to the RFS Program. Ample supply of biodiesel also contributes to the RFS' fundamental goal of reducing U.S. reliance on unstable foreign petroleum.

If imports could avoid duties and retain tax benefits, the EPA could be aggressive and set higher goals for the use of BBD. With high preliminary countervailing duties in place and antidumping duty findings likely to come, the EPA should be more conservative in its volume obligations to reflect these market realities. The EPA should similarly reevaluate volume obligations should imports be disqualified from tax benefits that are available to domestically produced product.

<sup>&</sup>lt;sup>22</sup> Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019, 82 FR 34206 (July 21, 2017).

NATSO encourages the EPA (through comments on the record of the ITC investigation and/or meetings with ITC staff) to ensure that the ITC accounts for the role of the complex RVO system in incentivizing imports when preparing its final injury determination.<sup>23</sup> NATSO suggests that the EPA specifically seek to project the precise impact of the preliminary duties found on the potential growth of the U.S. biodiesel market and ability to reach future RFS goals.

# V. RIN MARKET OPERATION

The Agency has requested comment on potential changes to the RIN trading system that might alleviate concerns expressed by some stakeholders regarding the RIN market being vulnerable to market manipulation.<sup>24</sup>

Overall, NATSO's members would welcome additional oversight if the EPA believes it is necessary.

That being said, NATSO's membership believes that the RIN market is functioning properly. The RIN market provides the necessary price discovery and risk management vehicle for those parties involved in the production, distribution, and/or blending of renewable fuels.

In fact, NATSO's members have not seen *any* transactional problems with the current RIN trading structure. The closest they have seen to anything approaching "market manipulation" are media stories that have resulted in RIN price volatility, advantaging certain segments of the market. <sup>25</sup>

The RIN market, in fact, contains a number of built-in buffers that prevent manipulation in the traditional sense. Because RINs expire after two years, they cannot be "hoarded" because of a risk that as a compliance period concludes, their value could precipitously decline and the "hoarder" would become the victim of his own scheme.

Undoubtedly there are occasions where those in possession of a RIN choose not to sell the RIN. This is not "manipulating" a market, but rather a business decision as to how a business can best realize a return on the investment that was necessary to acquire the RIN in the first place (*i.e.*, investing in blending equipment and/or paying a premium for product that has a RIN attached to it).

<sup>&</sup>lt;sup>23</sup> Since the ITC also makes the final determination as to whether critical circumstances apply, it would be helpful for the EPA to share with the ITC its perspective on factors affecting biodiesel import trends. <sup>24</sup> 82 Fed. Reg. 34211.

<sup>&</sup>lt;sup>25</sup> See generally Keefe, Patrick Radden. "Carl Icahn's Failed Raid on Washington." <u>The New Yorker.</u> August 28, 2017 Issue. Available at <a href="http://www.newyorker.com/magazine/2017/08/28/carl-icahns-failed-raid-on-washington">http://www.newyorker.com/magazine/2017/08/28/carl-icahns-failed-raid-on-washington</a>; Mider, Zachary and Jennifer A. Dlouhy. "Trump Adviser Carl Icahn Lobbies for Rule Change that Benefits Icahn." <u>Bloomberg Businessweek</u>, March 16, 2017. Available at <a href="https://www.bloomberg.com/news/articles/2017-03-16/trump-adviser-carl-icahn-lobbies-for-rule-change-that-benefits-icahn">https://www.bloomberg.com/news/articles/2017-03-16/trump-adviser-carl-icahn-lobbies-for-rule-change-that-benefits-icahn">https://www.bloomberg.com/news/articles/2017-03-16/trump-adviser-carl-icahn-lobbies-for-rule-change-that-benefits-icahn.</code>

It is generally not in NATSO members' financial interest to hold on to RINs for excessive periods of time because it leads to a level of illiquidity that, for many truckstop owners, is sufficient to kill a business. To illustrate, if a truckstop operator buys a gallon of biodiesel for \$3.00 with a RIN attached to it and blends that product into diesel fuel that it sells for \$2.00/gallon, the operator may well be unable to carry the \$1.00 capital cost. If the RIN market were as illiquid as some stakeholders would have the Agency believe, small truckstop operators would be unable to operate, and large chain operators would be unable to expand because their capital costs of simply "holding" RINs would be so exorbitant. In reality, however, a large number of independent NATSO members successfully participate in the RIN market, and NATSO's chain members are expanding, some at a pace of nearly one new truckstop opening per week.

# VI. CONCLUSION

NATSO is grateful for the opportunity to provide these comments and stands ready to be of assistance to the Agency in its consideration of this matter.

David H. Fialkov

Vice President, Government Relations Legislative and Regulatory Counsel

NATSO

 From:
 Eric Byer [ebyer@NACD.com]

 Sent:
 9/25/2017 7:52:29 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Re: Pestering

No worries. What about Nancy?

On Sep 25, 2017, at 3:37 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

Hey – sorry. I've been trying to make this work, but I will be in Germany on the 13<sup>th</sup> at the COP, so unable to make it. Do you want me to ask someone else?

Best, Mandy

From: Eric Byer [mailto:ebyer@NACD.com]
Sent: Monday, September 25, 2017 2:27 PM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov >

Subject: Pestering

Hey, sorry for nagging. Annual meeting in San Antonio on November 13. Can you swing? Thanks, EB

From: Rick MacPherson [rmacpherson@midwestemissions.com]

**Sent**: 9/15/2017 3:28:24 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Bolen, Brittany

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Dominguez, Alexander

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,] Stacey Hyatt [shyatt@midwestemissions.com]; thomas Lorenzen [tlorenzen@crowell.com]

**Subject**: Follow up from Rick

#### Mandy,

CC:

I trust you have been busy since our meeting.

Please let me know if there is anything I can initiate from our end to get a proposed visit underway to a coal fired utility, in either Oklahoma or another state, by Administrator Pruitt.

I very much look forward to the opportunity to showcase how well our world class, EPA supported technologies, are working to keep the environment clean here in the USA.

Cheers,

Rick Macpherson CEO Midwest Energy Emissions Corp

From: D'Angelo, Wayne J. [WDAngelo@KelleyDrye.com]

**Sent**: 9/15/2017 8:11:44 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Missed you

No big. I'm here.

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Friday, September 15, 2017 4:11 PM

To: D'Angelo, Wayne J. <WDAngelo@KelleyDrye.com>

Subject: Re: Missed you

I'm about 15 mins late - will call you back in a sec

Sent from my iPhone

On Sep 15, 2017, at 4:10 PM, D'Angelo, Wayne J. <WDAngelo@KelleyDrye.com> wrote:

Hi Mandy, I tried your desk line but didn't reach you. No worries. I'm in my office if you break free. If not, I'm around on Monday as well.
-Wayne

Wayne D'Angelo Kelley Drye & Warren LLP (202) 342-8525 wdangelo@kelleydrye.com

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From: Bilicic, George [george.bilicic@lazard.com]

**Sent**: 9/23/2017 11:48:39 AM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Taqi, Ali [ali.taqi@lazard.com]; Hort, Gregory [gregory.hort@lazard.com]

Subject: Re: Navajo Generating Station—Lazard Letter to EPA (09.22.17)

Mandy

Thank you

As we had discussed, while we believe we have clarity on this topic from our discussion with you, those potential new investors in NGS will want more than simply us repeating what you have told us orally

In the midst of a situation that will necessarily lack clarity, formal clarity from the EPA on this topic will be important

Regards

George

George W. Bilicic

Lazard

Tel: 312-407-6673 (Chicago) Tel: 212-632-1418 (New York)

Cell: 917-459-7831

On Sep 22, 2017, at 5:32 PM, Gunasekara, Mandy < Gunasekara. Mandy@epa.gov> wrote:

Thank you for the letter. I'll be in touch Best,

Mandy

Sent from my iPhone

On Sep 22, 2017, at 4:46 PM, Taqi, Ali <a href="mailto:ali.taqi@lazard.com">ali.taqi@lazard.com</a> wrote:

Dear Ms. Gunasekara,

As discussed on a prior call between the EPA, Lazard and Peabody, please see attached a letter requesting guidance as to whether our understanding of Alternative B, as expressed in the Federal Implementation Plan for NOx control at the Navajo Generating Station, is correct.

We look forward to hearing from you in the near future.

Best regards,

The Lazard Team

**George Bilicic**Vice Chairman of Investment Banking,
Head of Midwest Investment Banking,

and Global Head of Power, Energy & Infrastructure +1 (312) 407-6673

george.bilicic@lazard.com

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Ali Taqi
Associate
Power, Energy & Infrastruc
+1 (212) 632-6286
ali.taqi@lazard.com

<Navajo Generating Station--Lazard Letter to EPA (9.22.17) vF.pdf>

From: D'Angelo, Wayne J. [WDAngelo@KelleyDrye.com]

**Sent**: 9/15/2017 8:09:09 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Missed you

Hi Mandy, I tried your desk line but didn't reach you. No worries. I'm in my office if you break free. If not, I'm around on Monday as well.

-Wayne

Wayne D'Angelo Kelley Drye & Warren LLP (202) 342-8525 wdangelo@kelleydrye.com

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From: Ferguson, Lincoln [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08CD7F82606244DE96B61B96681C46DE-FERGUSON, L]

**Sent**: 9/22/2017 3:03:11 PM

To: Chris Hosek [chris@texasstaralliance.com]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: RE: Meeting at the ACYPL event (Wednesday sept 13)

Thank you Chris. I've cc'd Mandy Gunasekara who may be able to assist on this matter.

From: Chris Hosek [mailto:chris@texasstaralliance.com]

**Sent:** Tuesday, September 19, 2017 11:54 AM **To:** Ferguson, Lincoln <a href="mailto:ferguson.lincoln@epa.gov">ferguson.lincoln@epa.gov</a>

Subject: Meeting at the ACYPL event (Wednesday sept 13)

Hi Lincoln,

We briefly met at the ACYPL event last Wednesday in Washington DC. I am an energy consultant in Austin Texas. You mentioned that if I had any issues, to drop you an email. It just so happens one issue did pop up on me. It has to do with the Air Quality Permit in the Uinta Basin in Utah. Below is the issue and a proposed solution with detailed information.

Any assistance to resolve this in a timely manner on would be helpful.

-----

Air Quality Permitting for Oil and Gas Development in Uinta Basin, Utah

#### Issue

Oil and gas development in the tribal airshed of the Uinta Basin in Utah will be disadvantaged upon a final nonattainment designation under EPA's 2015 ozone standard (expected October 2018) because a streamlined air quality permitting program does not yet exist.

#### Solution

# 1) Regulatory Revision

Revise the current Federal Implementation Plan for True Minor Sources in Indian Country for the Oil and Natural Gas Production and Processing Segments (National Tribal NSR FIP) so that it applies to nonattainment areas (and allows for new development) until a local or "reservation-specific" FIP is finalized. This revision involves striking one sentence of the FIP (40 CFR 49.101(b)(v)) and a brief reference to subsection 49.101(b)(v).

# 2)Stakeholder Process

Commence a stakeholder process to develop a local or "reservation-specific" FIP for new development in the Uinta Basin to be effective after nonattainment designations are finalized by EPA.

## Context

- Ozone has been monitored in the Uinta Basin at levels that are above EPA's national 2015 ozone standard of 70 ppb. A nonattainment designation is expected for the Basin in October 2018.
- The National Tribal NSR FIP is the current air quality permitting mechanism for new development of oil and gas (specifically, "minor" sources of emissions) in the Basin. The National Tribal NSR FIP was finalized in the summer of 2016 and does not apply to areas designated as nonattainment.
- EPA does not have a streamlined permitting program for new development in the Uinta Basin upon a final nonattainment designation.
- Since 2014, Uinta Basin has experienced a decline in oil and gas production. Such a production decline directly corresponds to a decrease in ozone precursor emissions. Emissions have decreased even further due to EPA's federal standards for new sources (NSPS OOOO/OOOOa). EPA can rely on these emission reductions as it works with stakeholders to develop a permitting program for new development in the Basin

Please let me know if you have any questions.

Chris Hosek
Texas Star Alliance
1122 Colorado Street , Suite 102
Austin, TX 78746
512-468-3212
chris@texasstaralliance.com

From: Libby Wulle Personal Privacy/ Ex. 6

**Sent**: 9/7/2017 3:15:56 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Coffee soon

Mandy-

# Personal Privacy/ Ex. 6

Hope you enjoyed your holiday weekend!

Libby

Sent from Astro for Mac

On Sep 1, 2017 at 9:01 AM, Gunasekara, Mandy < Gunasekara. Mandy@epa.gov > wrote:

Yes - I'll plan to head over there in about 20 minutes.

From: Libby Wuller [mailto:libby@quorum.us]
Sent: Friday, September 1, 2017 8:59 AM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Subject: Re: Coffee soon

Mandy-

Checking in that coffee at 9:30am still works?

Libby Wuller Business Development, Quorum www.quorum.us | 405-742-7466

Check us out on **Glassdoor** - We're hiring!

On Mon, Aug 21, 2017 at 9:54 AM, Libby Wuller < libby@quorum.us > wrote:

That's perfect. Looking forward to it!

Libby Wuller
Business Development, Quorum
www.quorum.us | 405-742-7466

Check us out on **Glassdoor** - We're hiring!

Mandy

Sent from my iPhone

On Mon, Aug 21, 2017 at 9:37 AM, Gunasekara, Mandy Gunasekara, Mandy @epa.gov> wrote: Great - let's plan for next Friday (09/01). Does 9:30 work? Starbucks at the Trump Hotel? From: Libby Wuller [mailto Personal Privacy/ Ex. 6 Sent: Monday, August 21, 2017 9:28 AM To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov> Subject: Re: Coffee soon Mandy-Next Wednesday I am wide open after 10:30am and next Friday I am free until noon. Happy to come somewhere close to you! Libby Libby Wuller Business Development, Quorum www.quorum.us | 405-742-7466 Check us out on Glassdoor - We're hiring! On Fri, Aug 18, 2017 at 7:19 PM, Gunasekara, Mandy < Gunasekara. Mandy@epa.gov > wrote: Hi Libby, I apologize for the late follow up. Is there a time next week that would work for you? Best,

On Jul 24, 2017, at 2:08 PM, Libby Wuller < libby@quorum.us > wrote:

Mandy-

We met briefly after you spoke at ALEC last week and I mentioned that I once interned in Inhofe's office! Would love to hear more about your work and time on the hill. Do you have time for coffee in the next few weeks? Happy to come to you!

Libby

Libby Wuller

Business Development, Quorum

www.quorum.us | 405-742-7466

```
Personal Privacy/ Ex. 6
                Jeffry Muffat
From:
                9/14/2017 7:52:31 PM
Sent:
                Cindy Fontanesi [CFontanesi@AWMA.ORG]
To:
CC:
                Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group
                (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; William L. Wehrum
                [wwehrum@hunton.com]; Stephanie Glyptis [SGlyptis@AWMA.ORG]; michele.gehring@coterie-env.com; Clara
               Poffenberger [clara@airandclimatelaw.com]; Webb, C. Flint [C.FLINT.WEBB@leidos.com]; Tracy Fedkoe
                [TFedkoe@AWMA.ORG]; Gerald Armstrong [GArmstrong@AWMA.ORG]
Subject:
                Re: A&WMA's Conference "Finding Common Ground on Climate Change Mitigation and Adaption" Scheduled for
               October 10th and 11th in Arlington VA
Cindy:
A photo of Mandy would be great for the Brochure/Program too.
Jeff
Sent from my iPhone
> On Sep 14, 2017, at 2:34 PM, Cindy Fontanesi <CFontanesi@AWMA.ORG> wrote:
> Hi Mandy,
> Thank you so much for agreeing to Keynote A&WMA's Conference on Climate Change. For now, I need your
preferred name and title, the title of your Keynote, and your mailing address so that we can get you officially registered for the conference. Also, please let me know if you have any special requirements for your Keynote. We will provide the standard set for audiovisuals which is an LCD projector, laptop
computer, screen, laser pointer, and microphone.
> You are scheduled to present on Tuesday, October 10, 2017 from 8:30 am - 9:00 am. There will be a
                                                                               The format of the program is discussed at
Presenters' Meeting at 7:30 am on the day of your involvement.
this time.
               The Presenters' Meeting is also a good time to load your presentation in the session room and
check your audiovisuals.
> If you'd like to take a look at the preliminary program for the conference, it can be found on our website at https://www.awma.org/climatechange. We will add your Keynote information to the conference website asap and to the final program, which will be released to the public on September 29th.
> The conference is being held at the DoubleTree by Hilton Washington DC - Crystal City - 300 Army Navy
Drive - Arlington, VA 22202. Please let me know if you have any questions or needs along the way.
look forward to working with you and meeting you at the conference in a few weeks!
> Thank you,
>
  Cindy Fontanesi
  Conférence & Events Planner
  Air & Waste Management Association
> One Gateway Center, Third Floor
> 420 Fort Duquesne Blvd
> Pittsburgh, PA 15222
> (t) 412-904-6031
  (f)412-232-3450
  Please consider the environment before printing this e-mail
  ----Original Message----
> From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
> Sent: Thursday, September 14, 2017 9:26 AM
> To: jcmuffat | Personal Privacy/ Ex. 6 | Cc: William L. Wenrum < wwenrum ununton.com>; Cindy Fontanesi < CFontanesi & AWMA.ORG>
  Subject: RE: A&WMA's Conference "Finding Common Ground on Climate Change Mitigation and Adaption"
Scheduled for October 10th and 11th in Arlington VA
> Hi Jeff,
> Thank you for the information and I look forward to connecting with Cindy.
  Best,
>
  Mandv
```

```
> ----Original Message-----
> From: Jeffry Muffat [mailto Personal Privacy/ Ex. 6
> Sent: Thursday, September 14, 2017 0.00 Am > To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
> Cc: William L. Wehrum <wwehrum@hunton.com>; cfontanesi@awma.org
> Subject: A&WMA's Conference "Finding Common Ground on Climate Change Mitigation and Adaption" Scheduled
for October 10th and 11th in Arlington VA
> Mandy:
> Thank you so much for agreeing to Keynote A&WMA's Conference on Climate Change. The Conference is
scheduled for Oct 10-11, 2017 in Arlington, VA and promises to be a great opportunity to exchange meaningful information on the current thinking relative to climate change and how we can mitigate any adverse effects and adapt to the potential consequences. The Association values EPA's thinking and is
excited to provide the forum for discussion to our membership and other parties involved in the
discussion.
> Bill Wehrum said that you planned to check with Administrator Pruitt one last time to see if he was available to Keynote and it would be great if he wanted to speak. However, our intent at this time is to
list you in the Program at the Keynoter and then to send out a special mailing/notice announcing
Administrator Pruitt as the Keynoter should he decide to speak.
> Cindy Fontanesi from A&WMA Headquarters in Pittsburgh will be in touch with you today to work out the
details.
> Again, thank you so much for agreeing to speak at our upcoming Conference.
>
  Jeff Muffat
  Retired Manager of 3M Environmental Reg Affairs Treasurer of Air & Waste Management Association .
>
>
  _____
> This email has been scanned for spam and viruses. Visit the following link to report this email as
> https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1505395557-
Zfwis8S5ZWjM&r_address=cfontanesi%40awma.org&report=
```

From: Jim Lemon [jim.lemon@btr.energy]

**Sent**: 9/10/2017 2:09:54 PM

To: Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Jack Barrow

[jack.barrow@btr.energy]; Michael Lemon [mlemon@btr.energy]

**Subject**: Your request for BTR comments on 2018 RVOs

Attachments: BTR 2018 RVO.pdf

Justin,

In our meeting on Friday, you had also requested a copy of our comments on EPA's proposed 2018 RVOs. EPA has not yet posted our comments to the docket, but they were timely filed, and a copy is attached below.

Let us know if you have any questions about the comments or the proposed guidance document provided at our meeting (and via email below).

Thank you,

Jim

Jim Lemon
BTR Energy, Benefit LLC
1440 G Street NW

Washington, D.C. 20005

571-355-0350 / jim.lemon@btr.energy

# On Fri, Sep 8, 2017 at 3:48 PM, Jack Barrow < jack.barrow@btr.energy> wrote:

Mandy, Justin, Alex -- thank you all for your time! We truly appreciate the chance to speak directly to the decision-makers and hope we were helpful.

I've attached the "Guidance Document" we came up with that synthesizes all of the issues we've identified through our work with EPA over the last three years and how best to deal with them. (Attached as a Word doc so you can edit/ work with it). We think this is complete and addresses the outstanding issues that need to be addressed before implementing the pathway.

If there's anything else we can do to make this easier for your teams or move the process along, please give us a shout. We know you're swamped, but if we can get anything done on our application in the next few months, there'd be some mighty happy farmers, big and small, in the dairy industry in particular.

Either way, keep us posted on your thoughts after you've processed.

Thanks again for your help.

Best wishes, Jack

--

Jack Barrow

Co-Founder | <u>BTR Energy</u> (952) 380-7512



Bridge To Renewables, Benefit LLC 1440 G Street NW Washington, D.C. 20005

August 31, 2017

U.S. Environmental Protection Agency Office of Air and Radiation Docket Mail Code 6102T 1200 Pennsylvania Avenue, NW. Washington, D.C., 20460

RE Docket ID No. EPA-HQ-OAR-2017-0091; RIN 2060-AT04

Dear Sir or Madam:

Bridge To Renewables ("BTR") is submitting these comments in response to EPA's proposed Renewable Volume Obligations ("RVOs") for 2018, as published in the July 21, 2017 Federal Register. These comments address EPA's proposal that zero gallon-equivalents of cellulosic or advanced biogas-based electricity will be included in the 2018 RVOs, despite the fact that BTR estimates it and its partner base could generate approximately 10.9 million gallon-equivalent RINs of biogas-based electricity in CY 2018.

# Background on RFS-qualified Renewable Electricity

As we have stated in previous comments to EPA, in late 2007 the Energy Independence and Security Act ("EISA") introduced renewable electricity as a potential renewable fuel under EPA's Renewable Fuel Standard ("RFS") program. Seven years later, EPA established an approved fuel pathway (the "electric pathway") for biogas-based electricity ("renewable electricity") in 2014. As a result, and in accordance with Congressional intent, the RFS program included, as eligible transportation fuels, not only liquid and gaseous fuels derived from renewable biomass energy sources but also electricity derived from such sources.

Nonetheless, ten years after President Bush signed EISA and more than three years after EPA established a fuel pathway for biogas-based electricity, all of the following remains true:

- EPA has never projected that biogas-based electricity would be produced under the RFS program in any forthcoming year.
- EPA has never approved a single farm, landfill or food-waste processing facility to generate RINs for biogas-based electricity, and such facilities that produce electricity with biogas remain unnecessarily and entirely locked out of the RFS.
- EPA has never assigned a statutorily appropriate equivalence value to biogas-based electricity in order to properly incentivize its production and account for true amount of petroleum displaced on an energy-equivalent basis.
- EPA has never provided applicants with a plan or timeline for near-term activation of the electric pathway.

Critical infrastructure, production and consumption components for activation of the RFS electric pathway are are already in place: sufficient electricity is currently being produced with biogas at facilities across the country and delivered to commercial electrical grids to support the consumption of electricity by the existing and growing fleet of electric vehicles on the same grids. But EPA has still never utilized this biofuel in the RFS program, despite the flexibility to approve applications provided to the Agency through the final rule promulgated in 2014. In the meantime, the opportunity costs of inaction are growing rapidly, particularly for agricultural facilities such as dairy farms that operate anaerobic digesters and generate electricity with manure and other organic waste.

President Trump's Interagency Task Force on Agriculture and Rural Prosperity, of which Administrator Pruitt is a member, is charged with identifying regulatory and policy changes to promote agriculture, economic development, job growth, infrastructure improvements, technological innovation, energy security, and quality of life in rural America. Activation of the RFS electric pathway would advance all of those goals, and it is achievable today under existing regulations -- literally a tool in EPA's toolbox.

# BTR Projection of RFS-qualified Renewable Electricity for 2018

BTR estimates that it and its partner base of independent power producers (IPPs), which is largely comprised of agricultural facilities, could generate approximately 10.9 million gallon-equivalent RINs of biogas-based electricity in CY 2018. That projection is based on the amount of electricity expected to be consumed by participating electric cars and buses manufactured by BTR's vehicle manufacturer partners in 2018. To make this projection BTR used the current - and as indicated above, inappropriate - equivalence value for biogas-based electricity of 22.6 kWh = 1.0 RIN = 1 ethanol gallon-equivalent of RFS renewable electricity.

Thank you for the opportunity to comment on this matter.

Jim Lemon Co-founder and CEO Bridge To Renewables, Benefit LLC 571-355-0350

From: Jack Belcher [JBelcher@hbwresources.com]

**Sent**: 9/18/2017 11:16:07 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

**CC**: Tom Williams [twilliams@rpsea.org]

Subject: Thank You

Attachments: RPSEA Power Point for DC 9-18-17.pptx

Mandy & Alex,

Thanks so much for taking time to meet with Tom Williams and me last week to discuss RPSEA. We really appreciate your offer to help us connect with a point of contact regarding the Methane Study we are seeking to have funded. As we discussed, this study can help EPA make the case that the Methane Rule should be adjusted in terms of requirements for smaller oil and gas wells based on real world emissions data.

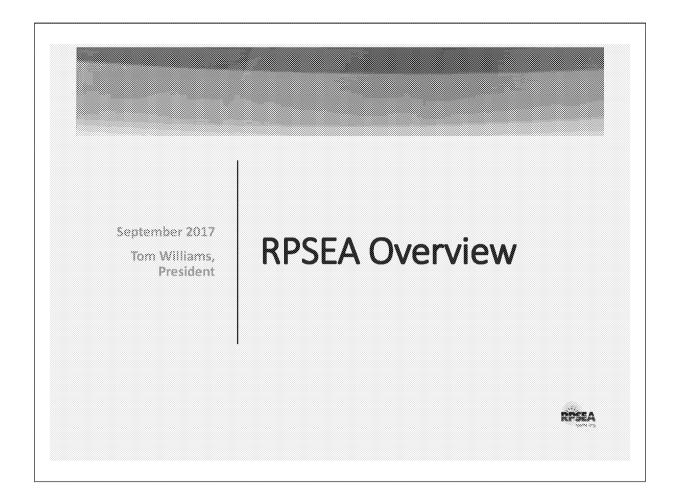
We will send you a scope of work regarding the study and will follow up with you in the coming weeks. Our primary source of funding is coming from industry but we are seeking government partners as well.

Let us know how we can be helpful for you. We would like to be a resource for you.

Best regards,

Jack

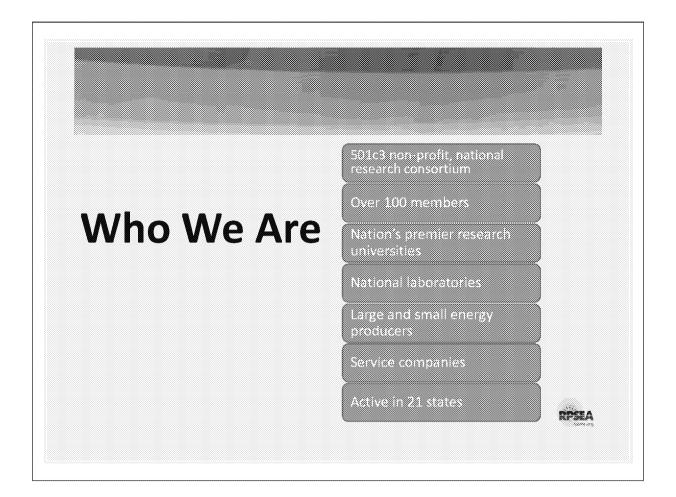
Jack Belcher
Executive Vice President
HBW Resources, LLC
2211 Norfolk St., Suite 410
Houston, TX 77098
(O) (713) 337-8818
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jbelcher@hbwresources.com

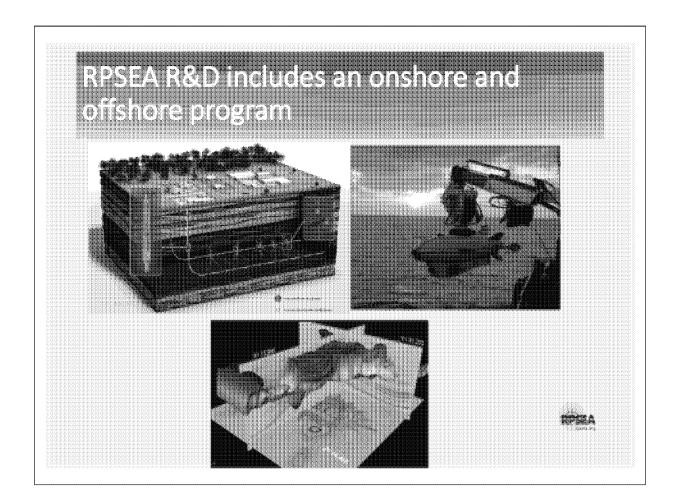


## **RPSEA Vision Statement**

As our nation pivots from a state of energy scarcity to one of abundance, so must we adapt our program vision to leverage the strengths of our public-private partnership to address the new challenges at hand. Our Program focus will be to make step-change improvements in the areas of Health, Safety, and Environment (HSE), Systems Integrity and Efficiency of Drilling and Production as it relates to addressing environmental and societal issues for the continued prudent development of resources in America. This consortium, by its makeup, is uniquely positioned to tackle these issues by developing and demonstrating technology, publishing peer-reviewed studies and implementing best practices that scientifically answer questions with public confidence.



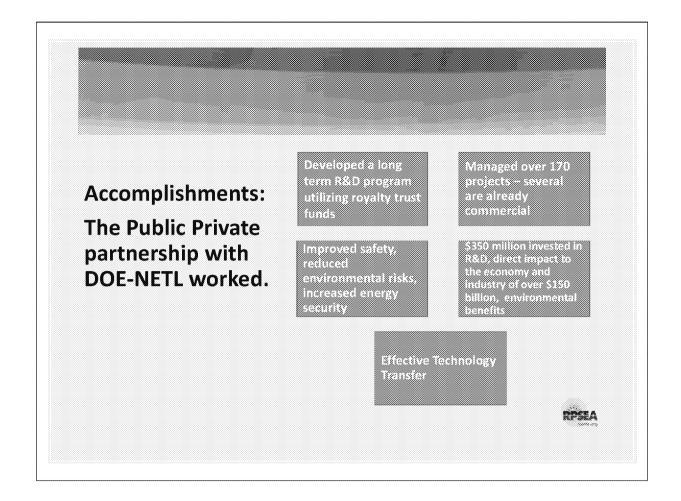




# Why RPSEA Was Formed

Designed to be a public private partnership -- to conduct applied research in a manner the Federal government does not do well, ease the bureaucratic burden, define technology needs, get end users and research teams involved in the process, conduct research that will get technologies applied through an efficient processes.

Our jonuary 2017 Report to the DOE documented lesson learned, recommendations for improvements, and processes to better fast track research to solutions to application and commercialization.



# The "999" Program

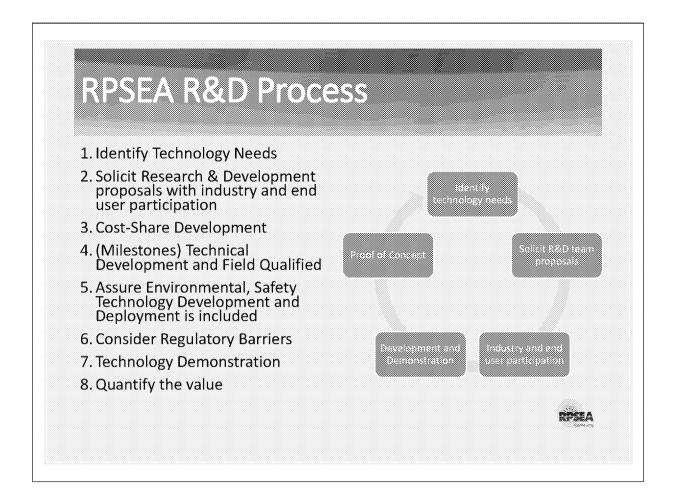
Reports Litra-Geoperator and Unconventional Natural Gas and Other Petroleum Resources Program Administration - DOE Award Number DE-AC76-0704142677

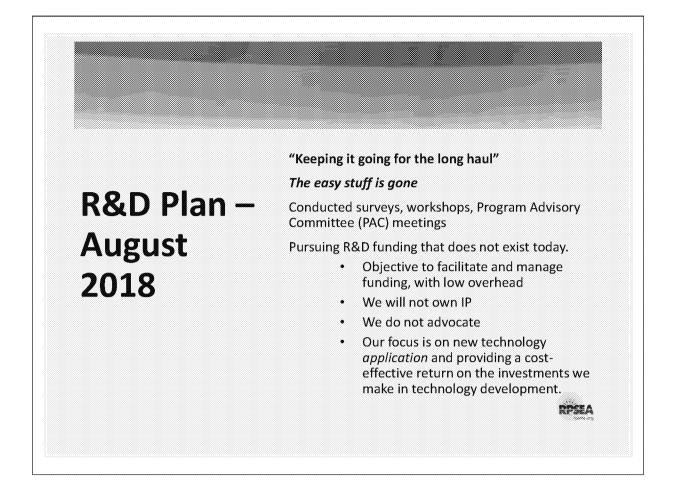
Start Date: Johnsty 4, 2007 (no Date: January 3, 2017

The report documents the most successful public private partnership for oil and gas R&O in the U.S. and lays the foundation for luture research endeavors.

The legislation in Section 999 of the Energy Policy Act provided R&D investments from the Federal royalty trust vs annual appropriated funcing through DOE R&D projects (not programs). This proved to be vastly superior, when coupled with the processes RPSEA developed. Future programs should follow the processes and build upon the lessons learned described in the report.

This increases success rates, shortens the cycle time from concept to application and maximizes the return on funds invested.







# 2018

The RPSEA model for technology development:

Requires active engagement of stakeholders across the entire R&D Plan August community of energy producers, researchers, technology providers, regulators, and environmental groups.

> Best efforts of the research community are required; however, the knowledge residing with producers and service companies is crucial in providing effective direction for the needed research.



# Oil and gas industry's challenges today are

#### Feedback:

RPSEA's mission should build upon past achievements and capabilities in order to facilitate "solution focused" research in the future.

Oil and gas industry's challenges today are driven by operating profitably during a time of low commodity prices and the need to meet expectations in safety and environmental performance.

Prices will always be volatile, as will the cost to drill, complete and produce.

When prices are low and the profit is "razor thin" thus funding for research is significantly reduced – the time it is needed the most.

 This is a primary reason for a long-term program: leveraging public and private resources is needed.

# R&D onshore needs

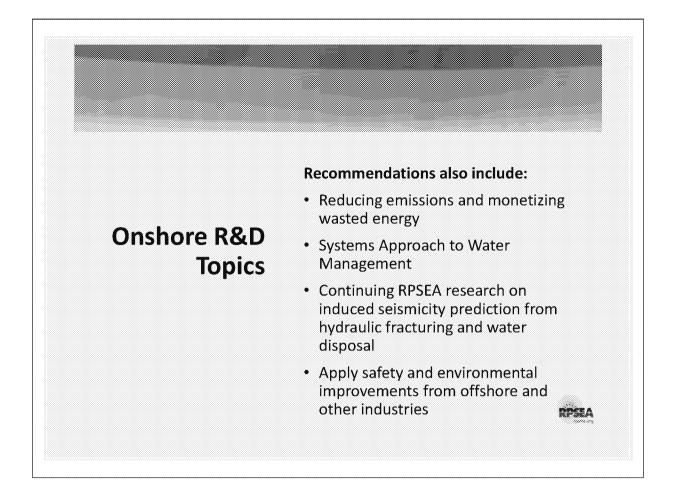
The R&D Plan has developed a road map and ranking for technical challenges best addressed through collaborative R&D.

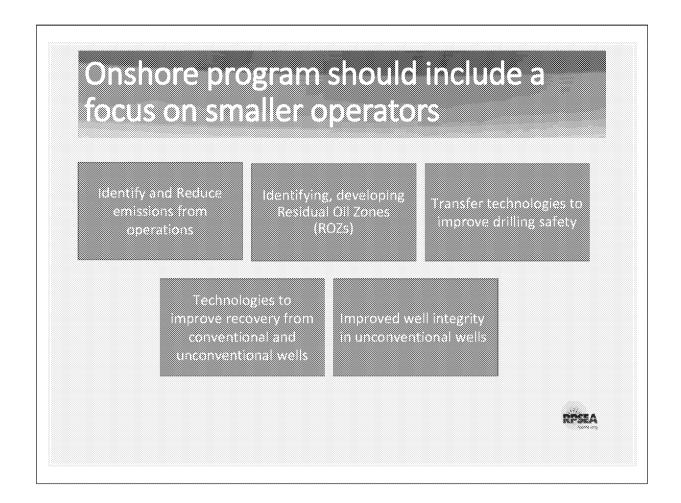
Highest rated topic: address low recovery factor from unconventional wells: initiate projects such as improved real-time reservoir characterization while drilling and diagnostics while completing.

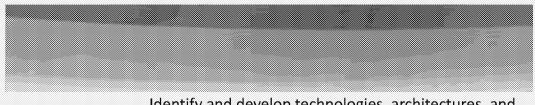
Related topic: how to prevent unconventional wells, with their low recovery factors, from becoming prematurely "marginal." Proposed R&D: Develop, demonstrate and transfer technologies to increase production and extend the life of unconventional/shale wells beyond primary pressure depletion. Develop a series of complementary enhancing technologies. This program will also lead to improvements in new well construction and extended life of the well designs.

 Program should also consider looking at some of the non-technical factors that also increase the break-even price, including the State-to-State and State-to-Federal variability; (includes regulatory compliance costs).









## Offshore Program Mission:

Identify and develop technologies, architectures, and methods that ensure safe and environmentally responsible exploration and production of hydrocarbons from the Outer Continental Shelf (OCS) in an economically viable (full life cycle) manner. This mission should also add a focus on harsh environments like the arctic.

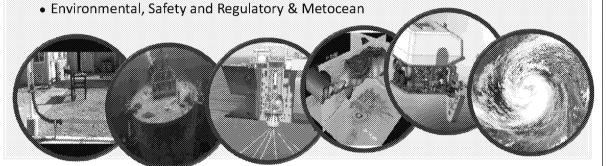
The importance of this mission is illustrated by the difficulty the oil and gas industry has had in converting discovered resources into proven reserves (producing developments). Proven and economically producible reserves add value to royalty revenues, consumers, and the oil and gas industry.

# Offshore Program: Technology Advisory Committees (TACs)

The TACs, with industry representation from subject matter experts, identify current technology gaps & define the specific R&D efforts needed to address these gaps.

#### **Focus Areas of the TACs**

- Flow Assurance
- Subsea Systems
- Floating Facilities and Risers & Systems Engineering
- Geosciences & Reservoir Engineering
- Drilling, Completions and Interventions



#### Offshore Program Recommendations: Focus on Enabling Technologies

Highest ranked topic recommended a focus on systems engineering approach of discoveries that are not economic to produce at current prices.

- The majority of future discoveries that will be developed are likely to be these smaller fields, developed with extended subsea tiebacks, utilizing a 'hub and spoke' methodology with multiple small fields tied to single surface hosts. Because each have different characteristics (pressure, temperature, fluids, flow rates, etc.) and life cycles, this complex system within the overall facilities and pipelines complex will be unique to each field.
- The interaction, safety mechanisms, and overall mix relating to each hub
  is akin to management of a traffic circle, only that many of the working
  parts and "nodes" will be below the surface of the water, and even at
  the individual wells/ reservoirs.



# Recommendation: Prioritization for Technologies that improve safety

Continuously work with industry associations to prioritize safety technologies needs will assist in collaboration, instead of duplication and facilitate technology transfer. Focus on technologies that will be applied.

Take a longer view of what is possible through safety innovation - determine how drilling and production systems could be developed by utilizing adaptive machine learning, condition based monitoring and real-time diagnostics, better equipment reliability with longer life designs, reliable sea floor systems that replace surface facilities and can be maintained, autonomous inspection systems, and others.

### Safety R&D Focus Topics:

Bigger and thus more expensive well control technologies are not sustainable.

New technology needs to be better and more reliable.

- 1. Development of improved well control and wild well intervention techniques, expediting the completion of relief wells;
- 2. Next generation well control and BOPs;
- 3. Early/real time pore pressure detection;
- 4. Real time downhole detection of hydrocarbons during drilling operations;
- 5. Improvements in life of the well integrity, cementing and casing;
- 6. Innovative identification and repair of sustained casing pressure and gas migration;
- Evaluation instrumentation and remote monitoring. (surface facilities and seafloor)



# Engage and inform the regulatory community Identify potential and future regulations that may need technology solutions Identify regulatory barriers to the application of new technologies Provide an objective platform for a dialogue between regulators and RPSEA members over technological solutions to industry challenges and regulatory compliance Collaborate with industry trade associations and societies on technologies and regulatory interface

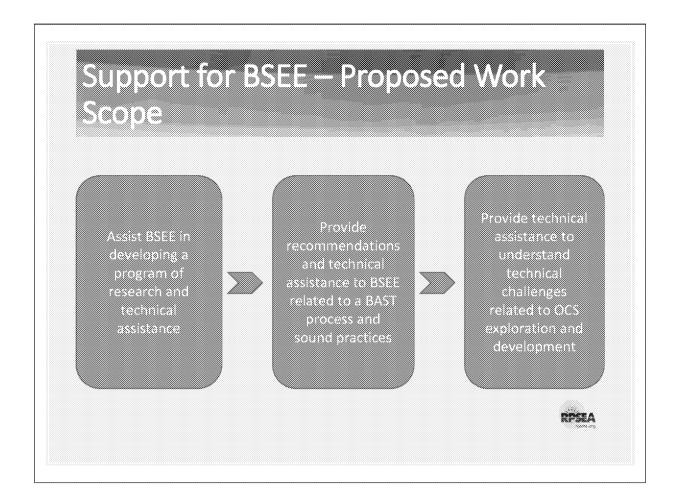
# We also asked how we can better quantify the research

#### **Objective**

- 1. US Energy Security
- 2. Increase US Production
- 3. Jobs
- 4. Policy Implications
- 5. Safety
- 6. Good investment

#### How to assess the value

- Commercial Plan
- Include process in proposal
- Require end user
- Include technical and policy advisors in some projects
- Identify and address barriers to application



# RPSEA Methane Study

- Joint industry project to conduct and manage a study to determine actual methane emissions profile of marginal wells. Project will start when sufficient funding is secured.
- Determine the contribution of methane emissions by marginal oil and gas wells.
- EPA lacked data in the current NSPS OOOOa rule, specifically for marginal wells, and used assumptions in its methane rule.
- As part of that rule, EPA did not provide an expected exemption of marginal wells from Leak Detection and Repair (LDAR) requirements, adding a significant economic burden on the producers of these wells.

# RPSEA Methane Study

- EPA's rules concerning methane emissions impacts all producers, but in particular, will affect independent and smaller oil and gas producers in the U.S.
- Need for this study was recently highlighted after the U.S. Court of Appeals for the D.C. Circuit ordered EPA to effectively reinstate the rule, reversing a Trump administration order to delay its implementation.
- Goal is to collect and evaluate *defensible and repeatable* data.
- RPSEA research has addressed methane testing protocols and QC of the data.



# Value our members get:

- Industry can identify and help drive the research
- Academia and researchers have a funding source matched with the users of the technology.
- Members serve on advisory and steering committees
- RPSEA is a low cost resource, as well as conduit to initiate studies and research.
- RPSEA provides a network of the world leading subject matter experts
- Value in data and studies developed by an objective, science based resource
- Learn from peers



From: Libby Wuller Personal Privacy/ Ex. 6

**Sent**: 9/1/2017 12:59:05 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Re: Coffee soon

Mandy-

Checking in that coffee at 9:30am still works?

Libby Wuller
Business Development, Quorum
www.quorum.us | 405-742-7466

Check us out on <u>Glassdoor</u> - We're hiring!

On Mon, Aug 21, 2017 at 9:54 AM, Libby Wuller

That's perfect. Looking forward to it!

Personal Privacy/ Ex. 6 Wrote:

Libby Wuller
Business Development, Quorum
www.quorum.us | 405-742-7466

Check us out on <u>Glassdoor</u> - We're hiring!

On Mon, Aug 21, 2017 at 9:37 AM, Gunasekara, Mandy < Gunasekara. Mandy@epa.gov> wrote:

Great – let's plan for next Friday (09/01). Does 9:30 work? Starbucks at the Trump Hotel?

From: Libby Wuller [mailto Personal Privacy/ Ex. 6]
Sent: Monday, August 21, 2017 9:28 AM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Subject: Re: Coffee soon

Mandy-

Next Wednesday I am wide open after 10:30am and next Friday I am free until noon. Happy to come somewhere close to you!

Libby

Libby Wuller Business Development, Quorum www.quorum.us | 405-742-7466 Check us out on Glassdoor - We're hiring! On Fri, Aug 18, 2017 at 7:19 PM, Gunasekara, Mandy < Gunasekara. Mandy@epa.gov > wrote: Hi Libby, I apologize for the late follow up. Is there a time next week that would work for you? Best, Mandy Sent from my iPhone On Jul 24, 2017, at 2:08 PM, Libby Wuller Personal Privacy/ Ex. 6 wrote: Mandy-We met briefly after you spoke at ALEC last week and I mentioned that I once interned in Inhofe's office! Would love to hear more about your work and time on the hill. Do you have time for coffee in the next few weeks? Happy to come to you! Libby Libby Wuller Business Development, Quorum www.quorum.us | 405-742-7466

**From**: Chris Bliley [cbliley@growthenergy.org]

**Sent**: 9/21/2017 11:54:22 PM

Subject: FW: Growth Energy Congratulates Magellan Midstream Partners on Expanding E15 Choice

FYI - E15 offering expanding to Magellan's midcontinent terminal system. - Chris

**From:** Majda Sarkic <<u>msarkic@growthenergy.org</u>> **Date:** Thursday, September 21, 2017 at 4:28 PM **To:** Majda Sarkic <msarkic@growthenergy.org>

Subject: Growth Energy Congratulates Magellan Midstream Partners on Expanding E15 Choice



7018th Street, NW, Suite 450, Washington, D.C. 20001

GrowthEnergy.org

FOR IMMEDIATE RELEASE: September 21, 2017

#### **PRESS CONTACT:**

Chris Hogan 202.545.4025 CHogan@growthenergy.org

#### Growth Energy Congratulates Magellan Midstream Partners on Expanding E15 Choice

WASHINGTON, DC—Magellan Midstream Partners, the Tulsa, Okla.-based transportation, storage, and distribution company, is now offering blending services for E15—a fuel with 15 percent ethanol—throughout their midcontinent terminal system. Magellan owns the longest refined petroleum product pipeline system in the country.

Following reports of this development from our fuel marketing partners, Growth Energy CEO Emily Skor released the following statement:

"We applaud Magellan on making E15 available at their terminals. This will allow forward-thinking retailers a more efficient distribution of this fuel into the marketplace by automating the process and generating an E15 bill of lading.

"This is a major win for consumer choice and a testament to the momentum behind E15, which is a high-octane, cleaner burning fuel that gives American drivers a more earth-friendly, economical, and engine safe option at the pump.

"Now that the infrastructure is prepared for year-round blending of E15, we will continue to push to get Reid Vapor Pressure (RVP) relief applied to E15 to finally give American drivers a choice at the pump all year."

Leading retailers including Casey's, Cenex, Family Express, Kum & Go, Kwik Trip, MAPCO, Minnoco, Murphy USA, Protec Fuel, QuikTrip, RaceTrac, Sheetz, and Thorntons offer E15 currently at more than 900 locations in 29 states.

Magellan is offering blending services for E15 on a seasonal basis, which	ich will comply with all laws and regulations.
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###

From: Richard Krock [rkrock@vinylinfo.org]

**Sent**: 9/19/2017 11:36:01 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

**CC**: Dick Doyle [ddoyle@vinylinfo.org]; JC Walker [walker@khlaw.com]

**Subject**: Thank You for Meeting with Vinyl Institute

#### Dear Mandy and Alex,

Thank you for taking time to meet with the Vinyl Institute on August 29<sup>th</sup> to discuss the status of the PVC MACT Reconsideration. Elevating the priority of this rule for completion on the upcoming regulatory agenda update is appropriate, given the amount of information provided to the Agency and the protracted nature of this reconsideration. We will keep you informed on our progress to create a consolidated document summarizing the various information submittals for the PVC MACT. Please do not hesitate to reach out to me with any questions or need for further information.

Sincerely,

#### Richard Krock



Richard Krock | Vice President Regulatory & Technical Affairs
The Vinyl Institute
1747 Pennsylvania Ave NW Suite 825 | Washington, DC | 20006
O: (202) 765-2287 | M: (571) 216-4474







Please join us for the 2017 Vinyl360 Annual Conference on November 8-10 in Ponte Vedra Beach, FL at the Sawgrass Marriott Golf Spa and Resort. Register here.

From: Moore, James D [Jamie.D.Moore@andeavor.com]

**Sent**: 9/20/2017 7:39:39 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE:

No problem, Mandy. Understand. We will go ahead and meet with Troy tomorrow on this Region 6 issue we are working with the state on. Would you have a few mins next week for us to come over and chat Octane and RVP? We will work around your schedule if a particular day works best for you next week.

#### Jamie D. Moore

Director
Federal Government Affairs
Jamie.D.Moore@andeavor.com

#### Andeavor

601 Pennsylvania Avenue N.W. Suite 850 Washington, D.C. 20004 o: 202 803 5960 m: 202 821 6900

andeavor.com



From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Wednesday, September 20, 2017 3:36 PM

To: Moore, James D Subject: RE:

HI James, I will be in North Carolina Tomorrow so won't be available for a drop by. I'll catch up with Troy when I get back and am happy to follow up.

Thanks, Mandy

From: Moore, James D [mailto:Jamie.D.Moore@andeavor.com]

Sent: Wednesday, September 20, 2017 10:26 AM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Subject:

Hey Mandy. Hope all is well your way. I will be over at EPA tomorrow (11:30) to see Troy. Are you by chance around? Wanted to see if I might be able to pop by your office to chat octane and RVP. Thanks.

#### Jamie D. Moore

Director
Federal Government Affairs
Jamie.D.Moore@andeavor.com

#### Andeavor

601 Pennsylvania Avenue N.W. Suite 850 Washington, D.C. 20004 o: 202 803 5960 m: 202 821 6900

andeavor.com



From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 9/5/2017 7:52:44 PM

To: Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]; Patrick, Monique

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=3f271920363c4aecbff1e989a6dfde9b-MPATRICK]; Gunasekara, Mandy

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Zenick, Elliott

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=1b2eaa2a560d415fb7c8ce9bb56c7ce5-EZENICK]; Kime, Robin

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]; Justin Heminger

[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user96162ec4];

Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Traylor, Patrick

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=b6d06c6b766c4b4b8bfdf6b0fea4b998-Traylor, Pa]

Subject: Waste Management

#### Group is here

#### Waste Management

Scheduled: Tuesday, Sep 5, 2017 from 4:00 PM to 5:00 PM

Location: 3500 WJCN

Invitees: Justin Schwab (<u>schwab.justin@epa.gov</u>), Patrick, Monique, Mandy Gunasekara (<u>Gunasekara Mandy@epa.gov</u>), Zenick, Elliott, Kime, Robin (<u>Kime.Robin@epa.gov</u>), Justin.Heminger@usdoj.gov, Brittany Bolen (bolen.brittany@epa.gov), Traylor, Patrick

Sent from my iPhone

From: Dickerson, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D0440D9F06994021827E0D0119126799-DICKERSON,]

**Sent**: 9/4/2017 9:57:45 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: Meeting requests from Cummins and Mack Trucks

Attachments: RE: Meeting Request- Cummins and Daimler Trucks NA CEOs with Administrator Pruitt; FW: Meeting request with

**Administrator Pruitt** 

#### Hi Mandy

Attached are 2 meeting requests, from Cummins and from Mack Trucks, wanting to meet with the Administrator. Both companies want to discuss the same issue so Ryan wanted to know if this a meeting where we can just bring both companies in at the same time?

Aaron Dickerson Office of the Administrator U.S. EPA

Phone: 202-564-1783

From: Hartman, Zachary [Zachary.Hartman@anheuser-busch.com]

**Sent**: 9/7/2017 2:49:47 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: Meeting request

Good afternoon Alexander,

I have been presented with a couple of proposals from my Global management regarding renewable energy procurement. It would be great if I could find 10-15 minutes on Mandy's schedule to solicit her views on some of these issues.

Is there time in the next several days when Mandy would be available for a quick call?

Thanks and all the best -

Zach



#### **Zachary Hartman**

**Director of National Affairs** 

Anheuser-Busch 1401 | Street NW Washington, DC 20005

Mobile: 202.747.4557

Email: Zachary.Hartman@Anheuser-Busch.com

Visit us @ Anheuser-Busch.com

Like us @ <u>Facebook.com/AnheuserBusch</u> Follow us @ Twitter.com/AnheuserBusch



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From: Patrick Rita [PRita@orionadvocates.com]

**Sent**: 9/13/2017 8:00:48 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE:

Attachments: Agenda for 09-14-2017 EPA Discussion.docx; 14Sept2017 EPA Discussion final.pptx

Hi Alex and Mandy:

Attached is an agenda and power point presentation to guide our call tomorrow.

Thanks again for agreeing to speak with us.

-Pat

Patrick Rita Orion Advocates 1211 Connecticut Ave, NW Suite 650 Washington, DC 20036 202/261-1324 (o) 703/887-3131 (m)

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Friday, September 8, 2017 10:10 AM

To: Patrick Rita

Cc: Gunasekara, Mandy

Subject: RE:

She has a 5:15 so a half hour.

Conference Line: Personal Privacy/ Ex. 6

Passcode: Personal Privacy/ Ex. 6

I will let you know asap if anything changes.

Alex

From: Patrick Rita [mailto:PRita@orionadvocates.com]

Sent: Friday, September 8, 2017 10:04 AM

**To:** Dominguez, Alexander < <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a> <a href="mailto:Cc: Gunasekara">Cc: Gunasekara</a>, Mandy < <a href="mailto:Gunasekara">Gunasekara</a>. Mandy @epa.gov</a> >

Subject: RE:

We can do that. Thanks much.

Do you know how much time we will have?

Patrick Rita
Orion Advocates
1211 Connecticut Ave, NW
Suite 650

Washington, DC 20036 202/261-1324 (o) 703/887-3131 (m)

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Friday, September 8, 2017 9:25 AM

To: Patrick Rita

Cc: Gunasekara, Mandy

Subject: RE:

Morning Patrick,

Could you tentatively do a call Thursday, September 14<sup>th</sup> at 4:45PM? This may need to be rescheduled but currently the best option.

Appreciate it,

Alex

#### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

From: Patrick Rita [mailto:PRita@orionadvocates.com]

Sent: Thursday, September 7, 2017 10:06 AM

**To:** Dominguez, Alexander < <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a> <a href="mailto:Cc: Gunasekara">Cc: Gunasekara</a>, Mandy < <a href="mailto:Gunasekara">Gunasekara</a>. Mandy @epa.gov >

Subject:

Hi Alex and Mandy:

I hope you are all doing well. Just reaching out to see if you had time next week for a meeting with Tom Howard, VP of Government Relations for Domtar and Annabeth Reiter, who manages environmental issues for the company.

Annabeth spoke with Mandy briefly yesterday as part of a larger pulp and paper industry meeting, but Domtar's largest pulp and paper mill in Ashdown, Arkansas is having some difficulty with regional EPA staff that insist on enforcing best available retrofit technology (BART) on machines at the facility that, in our view, do not warrant it. We wanted to briefly discuss our situation and potential remedies. Unfortunately, we are running up on some deadlines with regional staff and that is creating some urgency. Tom and Annabeth are available any day but Monday next week.

Thanks so much for your consideration.

-Pat

Patrick Rita
Orion Advocates
1211 Connecticut Ave, NW
Suite 650
Washington, DC 20036
202/261-1324 (o)
703/887-3131 (m)

From: Davis, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7FCA02D1EC544FBBBD6FB2E7674E06B2-DAVIS, PATR]

**Sent**: 9/5/2017 7:34:58 PM

To: Bangerter, Layne [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=eb60fa9f470b4cb3802a892f1da68b25-Bangerter,]; Kelly, Albert

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]; Brown, Byron

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]; Forsgren, Lee

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(FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]; Sawyers, Andrew

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[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=3deede75db8e44a790b2f73debf00e12-Lloyd, David]; Overmeyer, Patricia

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=8236f45371ec42739627e3735c87503c-povermey]; Brooks, Becky

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=6f369a2ef33e4a87af349210a3915a57-BBrooks]

CC: Jenkins, Juanita [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=3fb7311d240444b2b03094cf347555ad-Jenkins, Ju]; Nagle, Deborah

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(FYDIBOHF23SPDLT)/cn=Recipients/cn=33888a2bbe8f48aeb4ad9cc54259fb4e-dnagle]; Kloss, Christopher

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[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=6917ee37a80549fb99d2e454e3609ef6-Bferguss]; Hoffman, Heidi K (ENRD)

[Heidi.Hoffman@usdoj.gov]; Silver, Wendy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=a1cd7c4f5f7346a691aa54c957a5904f-Silver, Wendy]; Pollins, Mark

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=591f52a6cc074a2394fb5ddc306c2fd7-Mpollins]; Theis, Joseph

[/o=ExchangeLabs/ou=Exchange Administrative Group]

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Michael [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=84db0157c2b341c4983b04ae49698111-BOEGLIN, MICHAEL]; DeJong,

Stephanie [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=12298f447be0498e939015f6f7c93906-Gieck, Stephanie]; Palomares, Art

[/o=ExchangeLabs/ou=Exchange Administrative Group

 $(FYDIBOHF23SPDLT)/cn=Recipients/cn=78752ff7e0ef433f871797d1d66f8640-Palomares,\ Art];\ Bertrand,\ Charlotte$ 

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=f044d768e05842e1b75321ff6010e1b8-Bertrand, Charlotte]; Gunasekara,

Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: (outside guest) Colorado Springs Chamber of Commerce Briefing

Hi Folks,

The Colorado Springs Chamber of Commerce executive called today and asked that we NOT talk about storm water in this briefing for their membership on Tuesday, September 12<sup>th</sup> as the city of Colorado Springs and the EPA are involved in litigation on the storm water issue.

In this briefing we will be covering the following topics:

Air quality
Water quality (no reference to storm water)
PFOA/PFOS and Fountain, Colorado/Peterson AFB

Charlotte, please consider this an invitation for FFRO to participate in this briefing. Mandy, please consider this an invitation for OAR to participate in this briefing.

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Assistant Administrator, Office of Land and Emergency Management
202-564-3103 office
202-380-8341 cell

Information sent to this email address may be subject to FOIA.

From: Frank Moore [Frank.Moore@hardyheater.com]

**Sent**: 9/4/2017 5:52:23 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: Re: Vacation to Mississippi

```
Hi Mandv.
We are very much looking forward to you visiting our plant on your trip to Mississippi; but in the
meantime, I will be in DC the afternoon of Sept. 11 and all day on Sept. 12. I would appreciate it if
you could schedule a 10-15 minute meeting with me during this time.
Wishing you the Best,
> On Jul 7, 2017, at 8:57 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:
> Hi Frank,
> Great to hear from you. I have yet to plan a trip home, but would like to come out some time in August.
That may get pushed to September as I have other work travel that keeps popping up, but I will keep you
posted and look forward to connecting in person soon!
> Best,
> Mandy
> ----Original Message----
> From: Frank Moore [mailto:Frank.Moore@hardyheater.com]
> Sent: Friday, July 7, 2017 9:23 AM
> To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
> Subject: Vacation to Mississippi
> Hi Mandy,
> I was wondering if you have set a date to come to Mississippi to visit family? We are hoping you can
set aside some time to come visit our manufacturing facility and test lab. My cell # is 6014168983 and
our plant is located at 12345 Road 505, about 7 miles from Union. Looking forward to your visit.
> Sincerely,
> Frank
```

From: megan.berge@bakerbotts.com [megan.berge@bakerbotts.com]

**Sent**: 9/14/2017 7:19:49 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: William Bumpers [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=userea34c0d6]

**Subject**: White Paper by the Coalition for Innovative Climate Solutions

Attachments: CICS White Paper September 13 2017.pdf

#### Mandy -

Attached for your consideration is a white paper prepared on behalf of the Coalition for Innovative Climate Solutions that proposes a framework for a rule to replace the Clean Power Plan. The Coalition includes 12 diverse power companies with operating territories located throughout the country.

We, joined by several of the Coalition members, would like the opportunity to meet with you, and whatever folks that you deem appropriate, to discuss the proposed framework and answer any questions that you might have on the paper. We would be happy to meet with you next week, if you have availability Monday, Tuesday or Wednesday. If not, please let me know what times and/or dates might work for you.

We understand your schedule is very tight, and appreciate you making the time to meet with us and our members. In the meantime, please do not hesitate to reach out if you have any questions regarding the Coalition or the white paper.

Best,

Megan

#### Megan Heuberger Berge

**Partner** 

#### BAKER BOTTS L.L.P.

The Warner | 1299 Pennsylvania Ave., NW | Washington, DC 20004 1.202.639.1308 (direct) | 1.202.256.0827 (cell)



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## A Reasonable Approach to Replacing the Clean Power Plan

A White Paper from the Coalition for Innovative Climate Solutions

On March 28, 2017, President Trump signed an Executive Order (EO), entitled "Promoting Energy Independence and Economic Growth," directing EPA to review and, if appropriate, suspend, revise, or rescind the Clean Power Plan (CPP).<sup>1</sup> The order is part of the Trump Administration's new approach to energy and climate issues, which includes a focus on increased responsibility for states and a more streamlined role for executive agencies. On April 4, 2017, EPA published a notice announcing its review of the CPP, including its intention to "follow each of the principles and policies set forth in the Executive Order." On June 8, 2017, EPA submitted a proposed rule entitled, "Review of the Clean Power Plan," to the White House Office of Management and Budget for interagency review.

The Coalition for Innovative Climate Solutions (CICS) submits this white paper to assist EPA and OMB in their review process and to offer the perspectives of a group of diverse electric generating companies and electric service providers located across the country. CICS members reflect our nation's diverse geography with widely varying energy resources, state regulatory frameworks, and electricity market conditions. CICS has long advocated for and continues to believe that any greenhouse gas regulation under Section 111(d) of the Clean Air Act (CAA) must recognize regional and state differences. CICS urges EPA to focus its Section 111(d) program on empowering state and local authorities to take appropriate steps suited to local needs and resources, as the principal of cooperative federalism is intended under the Act.

CICS looks forward to engaging with EPA in the process of crafting a replacement rule. A replacement rule should:

- Provide the electric generating industry with regulatory certainty and a workable framework to facilitate implementation of practical, achievable, and effective programs.
- Provide states with clear guidance that reflects the cooperative federalism structure of the CAA and the Administration's commitment to respecting state authority.
- Accommodate the broad diversity in state energy resource profiles and allow flexible and tailored compliance options at the state level.

-

<sup>&</sup>lt;sup>1</sup> EO 13783, 82 Fed. Reg. 16,093 (Mar. 28, 2017). The CPP, published in October 2015, established emission guidelines for state plans to limit greenhouse gas emissions from existing fossil fuel-fired power plants. 80 Fed. Reg. 64,662 (Oct. 23, 2015). Various parties, including industry groups and 27 states, challenged the rule in court. West Virginia v. EPA, No. 15-1363 (and consolidated cases) (D.C. Cir.). In February 2016, the U.S. Supreme Court stayed the rule pending judicial review.

<sup>&</sup>lt;sup>2</sup> 82 Fed. Reg. 16,329, 16,330 (Apr. 4, 2017).

#### Recommendations

#### Promulgate a Replacement Rule

CICS believes that EPA should promulgate a replacement rule for the CPP. Repealing the rule without promulgating a replacement would create a regulatory vacuum, leading to uncertainty about the requirements that may be imposed in future rulemakings and, potentially, exposing companies to increased risk of citizen suits. The electric industry, which has decades-long planning horizons, requires long-term regulatory certainty to make infrastructure investment and related business decisions. CICS encourages this Administration to develop a CPP replacement rule to provide companies with the regulatory certainty they need, which will benefit electric customers nationwide.

#### Base BSER on Source Performance

EPA should establish BSER guidance that is clear and narrow. Importantly, the BSER determination should be based on what can be achieved by individual facilities.<sup>3</sup> For example, BSER could be based on heat rate improvements at existing plants.<sup>4</sup> When assessing the availability of heat rate improvements at individual facilities. EPA should take into consideration the technological feasibility and cost of such measures.<sup>5</sup> BSER should not be based on measures that are not achievable at the source or force units to reduce utilization to achieve reductions, such as re-dispatch to other units using alternative fuels or renewable sources. Such measures cannot be accomplished by any given "designated facility" subject to regulation under Section 111(d).<sup>6,7</sup>

#### Recognize State Authority

EPA should acknowledge states' broad authority to develop state plans. States have widely varying energy generating mixes, energy supply options, economies, customer profiles, and geographical conditions. As a result, states must be allowed to develop plans that account for this diversity and avoid problems associated with "one-size-fits-all" programs.

<sup>&</sup>lt;sup>3</sup> See 40 C.F.R. § 60.21(e) (BSER determinations are based on what EPA "has determined has been adequately demonstrated for designated facilities") (emphasis added).

<sup>&</sup>lt;sup>4</sup> CICS urges EPA to address the fact that some on-site efficiency upgrade projects could trigger new source review (NSR) permitting requirements. EPA should ensure that current NSR policies do not discourage power plants from undertaking heat rate improvement projects to comply with the new rule.

<sup>&</sup>lt;sup>5</sup> See 42 U.S.C. § 7411(a)(1) (Standards of performance reflect "the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.").

<sup>&</sup>lt;sup>6</sup> See 40 C.F.R. § 60.21(e).

<sup>&</sup>lt;sup>7</sup> How sources implement BSER will depend on each source's individual circumstances, but **on-site** implementation measures could include traditional projects like turbine upgrades and non-traditional projects like combined heat and power conversions or fuel cleaning.

Deferring to the state aligns with the structure and intent of Section 111(d), which gives states broad authority to establish and implement standards of performance for individual sources based on EPA's "best system of emission reduction" (BSER) guidelines. When "applying a standard of performance to any particular source," states must be allowed to consider not only the elements identified in the definition of "standard of performance," but also "other factors," including "the remaining useful life of the existing source."

States are in a better position than EPA to assess their own energy resources, identify constraints and opportunities, determine which measures can be implemented on a manageable time table, and develop appropriate programs and measures. Importantly, states are better positioned to evaluate and account for both (1) internal relationships between the state's environmental and utility/energy regulators, who are often in different agencies, as well as the separate laws and regulations that govern those agencies; and (2) external relationships between the state, any applicable regional transmission authority or independent system operator, and the Federal Energy Regulatory Commission.

States also can rely on their unique authorities to regulate under state law, which may allow states to provide more compliance options than is possible under EPA's limited Section 111(d) authority. An approach that defers to state authority therefore allows for more flexible, tailored, and effective state plans. Such an approach also promotes the cooperative federalism principles that are a hallmark characteristic of the CAA,<sup>9</sup> and would align with EPA's commitment to avoiding coercive federalism.<sup>10</sup>

#### Allow States to Implement BSER Through Equivalent State Plans

EPA should recognize that state regulatory authorities have been given broad powers under state environmental statutes to address myriad environmental issues, including in some cases climate change. These authorities are unrelated to Section 111(d) of the Clean Air Act. States have used this authority to establish programs that, either directly or collaterally, produce energy efficiency and greenhouse gas emissions benefits. EPA should expressly give states the option of relying on or developing state plans that are equivalent or superior to BSER.

BSER-equivalent programs could be mass-or rate-based and include regional trading programs (e.g. the Regional Greenhouse Gas Initiative), fleet modernization (e.g., Colorado's Clean Air-Clean Jobs Act<sup>11</sup>), renewable energy programs or standards (e.g., renewable portfolio

<sup>&</sup>lt;sup>8</sup> 42 U.S.C. § 7411(d)(1).

<sup>&</sup>lt;sup>9</sup> See 42 U.S.C. § 7401(a)(3) ("air pollution prevention . . . is the primary responsibility of States and local governments").

<sup>&</sup>lt;sup>10</sup> See Letter from E. Scott Pruitt, EPA Administrator, to the Honorable Matt Bevin, Governor of Kentucky (Mar. 30, 2017), available at <a href="https://www.epa.gov/sites/production/files/2017-03/documents/ky\_bevin.pdf">https://www.epa.gov/sites/production/files/2017-03/documents/ky\_bevin.pdf</a>. See also EO 13781, 82 Fed. Reg. 13,959 (Mar. 16, 2017) (directing agencies to consider "whether some or all of the functions of an agency, a component, or a program are appropriate for the Federal Government or would be better left to State or local governments...").

<sup>&</sup>lt;sup>11</sup> HB10-1365

standards, capacity standards, tax incentives, or other renewable promotional programs), and energy efficiency programs.<sup>12</sup> Certainly, states that have implemented such state or regional greenhouse gas emissions reduction programs should be allowed to demonstrate compliance with the Section 111(d) rule by showing that in-state mass-based reductions or allowance trading under a cap-and-trade program would achieve emissions reductions equivalent to those that would be achieved through BSER.<sup>13</sup>

For many states, BSER-equivalent programs would have the same or greater environmental benefits at lower costs than programs based on BSER. Allowing states to rely on these highly effective, existing programs is good policy because it rewards state-based environmental initiatives by minimizing regulatory burdens on the state. EPA should encourage such reliance by recognizing that state programs developed pursuant to state legislative authority would not become federally enforceable just because the state relies on such programs to demonstrate superior results. For example, a state renewable energy program that is designed to achieve significant greenhouse gas reductions by displacing fossil energy cannot be made federally enforceable pursuant to Section 111(d). EPA's authority to enforce Section 111(d) is limited to requiring compliance with the underlying, unit-specific performance standards.

#### Recognize Unit Diversity Through Subcategorization or Exclusions

EPA's guidance should recognize the inherent differences between and among EGU classes, sizes and types. <sup>14</sup> EPA has the authority to, and should, *appropriately subcategorize* different types of EGUs based on the type of EGU and type of services. This approach would be consistent with EPA's implementing regulations for Section 111(d), which recognize that different types of facilities face different operating constraints that impact the availability of emissions control technologies and emission rates. <sup>15</sup> EPA should use this authority to establish separate systems of emission reduction for coal-fired and natural gas-fired units, including natural gas combined-cycle units. EPA also should recognize the differences between peaking, intermediate load, and baseload units (e.g. provide longer averaging periods based on run times, compliance through mass-based limits and/or exclusions due to infrequent operation). Such an approach would recognize that different modes of operation (e.g. start-up and shut-

 $<sup>^{12}</sup>$  The variation among existing state-driven carbon reduction programs demonstrates the importance of tailoring reduction measures to the sources and resources within an individual state.

<sup>&</sup>lt;sup>13</sup> To the extent that standards under a state program might be more stringent than federal standards, the state **standards** implementing 111(d) still must be based upon individual source performance and not "beyond the fenceline" measures. States should have the flexibility to allow facilities to **implement** "beyond the fenceline" measures to demonstrate greater emission reductions in lieu of on-site projects.

<sup>&</sup>lt;sup>14</sup> See 40 C.F.R. § 60.22(b)(5) ("The Administrator will specify different emission guidelines or compliance times or both for different sizes, types, and classes of designated facilities when costs of control, physical limitations, geographical location, or similar factors make subcategorization appropriate.") (emphasis added).

<sup>&</sup>lt;sup>15</sup> Likewise, Section 111(b) provides that EPA "may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing [new source performance] standards." 42 U.S.C. § 7411(b)(2). EPA's implementing regulations for Section 111(b) provide for different CO<sub>2</sub> emission standards based on subcategorization. *See, e.g.,* 40 C.F.R. Part 60, Tables 1-2 of Subpart TTTT.

down periods, load following, etc.) by generating units can result in higher emissions and thus require higher emission limits.

#### Considerations for Baseline and Compliance Schedule

The guidelines should include identification of an appropriate baseline year. Because many states and companies already have taken significant steps to reduce greenhouse gas emissions, as discussed above, CICS urges EPA to allow states to rely on activities that predate a new Section 111(d) rule to demonstrate compliance with a new rule. This should include investments in performance upgrades, plant retirements, emission reductions achieved through renewable energy development and end-use energy efficiency programs.

CICS encourages EPA to proceed quickly with a Section 111(d) replacement rule. However, EPA must recognize that the time frame for state plan development and implementation will be considerable. CICS believes the schedule below represents a reasonable timeline.

- EPA proposes guidelines in Q1 2019.
- EPA finalizes guidelines by the end of Q4 2019.
- States allowed two years to develop state plans and submit to EPA for approval by the end of 2021.
- Compliance January 1, 2035 to allow a flexible, phased approach.

\*\*\*

CICS appreciates EPA's careful consideration of the recommendations in this white paper. The Group looks forward to continuing to engage with the Agency in its review of the CPP and any associated rulemaking processes.

# **Coalition for Innovative Climate Solutions Members**

- Ameren Corp.
- Avista Corp.
- Entergy
- Great River Energy
- Idaho Power Company
- Portland General Electric Company
- Puget Sound Energy
- LG&E and KU, and their affiliate PPL Corporation

- Public Service Company of New Mexico
- Salt River Project Agricultural Improvement and Power District
- Talen Energy
- Westar Energy, Inc.
- Xcel Energy

# **Where CICS Members Operate**

Arizona Massachusetts Oregon **Arkansas** Minnesota Pennsylvania Colorado Mississippi Michigan Idaho Missouri **New York** South Dakota Illinois Montana lowa New Mexico **Texas** North Dakota Washington Kansas Kentucky Oklahoma Wisconsin Louisiana

From: Avery, Kevin J [Kevin.J.Avery@conocophillips.com]

**Sent**: 9/1/2017 9:19:35 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**CC**: Drager, Kjersten S [Kjersten.S.Drager@conocophillips.com]

Subject: Alaska Issue

#### Mandy -

I hope you got some time off during the recess. I wanted to follow up on the issue that we discussed relating to small remote incinerators in Alaska. Samantha offered us the opportunity to have a conversation with some of the EPA folks in RTP to discuss the issue. We welcome this opportunity. Please let me know what times will work for your schedules.

Thank you very much.

#### **KJA**

## Kevin J. Avery

Manager, Federal Government Affairs ConocoPhillips 325 7<sup>th</sup> Street, N.W., 12<sup>th</sup> Floor Washington, D.C. 20004 202-833-0914 (Direct) 202-304-0467 (Mobile)

**From**: Executive Director [ExecutiveDirector@nationalenergyresources.com]

**Sent**: 9/7/2017 2:26:49 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: NERO Lunch with Sen. Heidi Heitkamp - 9.28.17

We hope you're able to join us for our next luncheon! Please **RSVP** by return e-mail before **Friday, Sept. 22**.

# National Energy Resources Organization (NERO)



Cordially invites you to attend the

# **2017 NERO Luncheon Series**

# Senator Heidi Heitkamp

## Member. Committee on Agriculture. Nutrition and Forestry

Ranking Member of the Subcommittee on Commodities, Trade and Risk Management Subcommittee on Livestock, Marketing and Agriculture Security Subcommittee on Rural Development and Energy

# Member. Committee on Banking. Housing and Urban Affairs

Ranking Member of the Subcommittee on Economic Policy Subcommittee on Housing, Transportation, and Community Development Subcommittee on National Security and International Trade and Finance

# Member. Committee on Homeland Security and Governmental Affairs

Permanent Subcommittee on Investigations
Ranking Member of the Subcommittee on Regulatory Affairs and Federal Management

# Member. Committee on Indian Affairs

Member. Committee on Small Business and Entrepreneurship

# Thursday, September 28, 2017

Doors Open at 11:45 a.m.

**Hyatt Regency on Capitol Hill** 

# 400 New Jersey Avenue, NW, Washington, DC

# RSVP by September 22, 2017 Executive Director@National Energy Resources.com 703-548-1764

<u>Please Note</u>: Counsel has advised that under House and Senate rules, this event is a "widely attended event". Under these rules, only NERO may extend invitations to House or Senate Members or staff to attend this event. Individual members of NERO are not permitted to extend invitations. Violations of these rules may result in criminal liability.

NERO is a non-profit, non-partisan organization bringing together individuals and groups actively engaged in fostering our national energy activities.

www.nationalenergyresources.com

From: Munoz, Darrin R. [Darrin.Munoz@FaegreBD.com]

**Sent**: 8/30/2017 5:37:11 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: dominguez.alex@epa.gov
Subject: FW: Carbon Neutrality Status

#### Hello Mandy,

Sorry to be a pest on this. Just wanted to reach back out on any update on EPA's work on carbon neutrality of biomass. We're getting a little concerned because of the timeline from the last appropriations bill and wanted to see if you happen to know where that is in the process? Thank you.

#### Darrin R. Munoz

#### Director

darrin.munoz@FaegreBD.com Download vCard

D: +1 202 312 7468

#### Faegre Baker Daniels LLP

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Munoz, Darrin R.

Sent: Wednesday, August 09, 2017 1:25 PM

**To:** 'Gunasekara.Mandy@epa.gov' **Subject:** Carbon Neutrality Status

#### Hello Mandy,

Not sure if you're the correct person to contact on this, but it was my understanding EPA is currently undertaking efforts in putting out a policy statement on carbon neutrality. Do you know where that is in the process? Thank you.

#### Darrin R. Munoz

#### Director

D: +1 202 312 7468

#### **Faegre Baker Daniels LLP**

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 9/12/2017 8:34:28 PM

To: Tyson Redpath [tredpath@russellgroupdc.com]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Meeting on September 27

Tyson,

Confirmed for Wednesday, September 27<sup>th</sup> at 3PM.

Location: 1200 Pennsylvania Avenue, NW.

Directions: Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle

Metro Station.

https://www.epa.gov/sites/production/files/2013-08/federaltrianglemap5.jpg

EPA Contact: For an escort from Security to the meeting call | Personal Phone / Ex. 6 | 202-564-3164.

#### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

From: Gunasekara, Mandy

Sent: Tuesday, September 12, 2017 4:31 PM

To: Tyson Redpath <tredpath@russellgroupdc.com>

Cc: Dominguez, Alexander < dominguez.alexander@epa.gov>

Subject: Re: Meeting on September 27

Great-looping in Alex to make sure this happens. Thanks and look forward to seeing you then.

Sent from my iPhone

On Sep 12, 2017, at 4:23 PM, Tyson Redpath <a href="mailto:tredpath@russellgroupdc.com">tredpath@russellgroupdc.com</a> wrote:

Gosh I'm sorry Mandy. I just realized the auto email pulled your previous email. I look forward to seeing you at 3:00 on Wednesday the 27<sup>th</sup>.

Tyson

From: Tyson Redpath

Sent: Tuesday, September 12, 2017 9:20 AM

To: 'Gunasekara, Mandy (EPW)' < Mandy Gunasekara@epw.senate.gov>

Subject: Meeting on September 27

Mandy,

Thank you for taking my call as well as scheduling time to see us at 3:00 on Wednesday, September 27<sup>th</sup>. Gavin Gretter from Love's/Musket and I will see you then.

Tyson Redpath

The Russell Group, Inc. 703-979-6900

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 8/16/2017 4:45:29 PM

To: Rozsa, Gabe [Gabe.Rozsa@prime-policy.com]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: NRECA

Gabe - Can you do Tuesday, August 22 at 4:00PM?

Alex

#### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

From: Rozsa, Gabe [mailto:Gabe.Rozsa@prime-policy.com]

Sent: Wednesday, August 16, 2017 12:25 PM

**To:** Dominguez, Alexander <dominguez.alexander@epa.gov> **Cc:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: RE: NRECA

Alex,

It looks like this week not work as I will not be in tomorrow or Friday. Next week, I leave for Europe on Wednesday evening t Personal Matters / Ex. 6 I will be back on the evening of the 30<sup>th</sup>.

Gabe

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Monday, August 14, 2017 3:01 PM

To: Rozsa, Gabe < Gabe. Rozsa@prime-policy.com >

Cc: Dominguez, Alexander < dominguez.alexander@epa.gov>

Subject: RE: NRECA

Hey Gabe,

Great to hear from you and I'm happy to meet. I'm looping in Alex who can help formalize the logistics. I look forward to seeing you soon.

Best, Mandy

From: Rozsa, Gabe [mailto:Gabe.Rozsa@prime-policy.com]

Sent: Monday, August 14, 2017 2:57 PM

To: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Subject: NRECA

Mandy,

I hope this finds you well and hopefully enjoying a little time away from the office during the slightly slower pace of August.

I wanted to see if you are around this week or next and if you might have some time to meet with Jim Matheson and Jeffrey Connor at the National Rural Electric Cooperatives Assn. Jim is a former moderate D House Member from Utah and Jeffrey was COS to Joanne Emerson (R-MO) who was Jim's predecessor at NRECA Personal Matters / Ex. 6. They are keenly interested in the EPA's thinking about what to do on climate and how it will impact the rural electric cooperatives they represent. Coops together account for electric service to 42 million Americans and cover 56% of the land area of the US.

Let me know if you are around and have time to meet.

Gabe

#### Gabe Rozsa

Managing Director 1110 Vermont Avenue, NW | Suite 1000 | Washington, DC 20005 Office 202 530 4843 | Fax: 202 530 4800 | Cell 202-701-7710 www.prime-policy.com



A WPP Group Company: www.wpp.com

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From: Shepherd, Ray [rayshepherd@peabodyenergy.com]

**Sent**: 8/11/2017 5:02:34 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Re: 9:30AM CT - Lazard Intro

How about Thursday at 5:30? Thanks

Sent from my iPhone

On Aug 11, 2017, at 9:53 AM, Dominguez, Alexander <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a> wrote:

Unfortunately that doesn't work. Thursday the 17<sup>th</sup> right now anytime except 10-11 and 4-5:15 ET she could do. Friday the 18<sup>th</sup> she is also wide open except 10:30ET.

From: Shepherd, Ray [mailto:rayshepherd@peabodyenergy.com]

Sent: Friday, August 11, 2017 9:41 AM

**To:** Dominguez, Alexander < <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a> <a href="mailto:Cc: Gunasekara">Cc: Gunasekara</a>, Mandy < <a href="mailto:Gunasekara">Gunasekara</a>. Mandy @epa.gov >

Subject: Re: 9:30AM CT - Lazard Intro

How about 4:30 EST Thursday?

Sent from my iPhone

On Aug 10, 2017, at 12:18 PM, Dominguez, Alexander < <u>dominguez.alexander@epa.gov</u>> wrote:

Hey Ray,

I apologize for her missing the call. I mistakenly put this on Mandy's calendar for yesterday which, per below, it was very clearly scheduled for today. Do you all have availability next week? If so any day but Tuesday would work for Mandy and can be flexible with the time.

Alex

From: Shepherd, Ray [mailto:rayshepherd@peabodyenergy.com]

Sent: Thursday, August 10, 2017 11:03 AM

**To:** Dominguez, Alexander < <u>dominguez.alexander@epa.gov</u>> **Cc:** Gunasekara, Mandy < <u>Gunasekara.Mandy@epa.gov</u>>

Subject: Re: 9:30AM CT - Lazard Intro

Alex--

Sorry we missed Mandy today. Could you please send some other times she is available? Thanks

Sent from my iPhone

On Aug 7, 2017, at 7:33 AM, Dominguez, Alexander <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a> wrote:

Thanks Ray

Sent from my iPhone

On Aug 6, 2017, at 10:01 AM, Shepherd, Ray <a href="mailto:rayshepherd@peabodyenergy.com">rayshepherd@peabodyenergy.com</a> wrote:

Alex--

Here is the call-in information for Thursday. I am traveling back from a Barrasso WY event and may not be able to join, but Lazard is looking forward to talking to Mandy.

#### 9:30AM CT - Lazard Intro

Scheduled: Thursday, Aug 10, 2017 from 10:30

AM to 11:00 AM

Location: Domestic: Conference phone and access code/Ex.6

# Conference phone and access code/Ex. 6

Invitees: Hort, Gregory, Bernath, Claudia, Cogliano, Samantha, Bilicic, George

#### Sent from my iPhone

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From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 8/14/2017 8:29:45 PM

**To**: Leslie Sue Ritts [lritts@rittslawgroup.com]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Schwab, Justin

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]; Bolen, Brittany

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]

Subject: RE: CONTINUING LAST WEEK'S NEDA/CAP MTG WITH MANDY, BRITTANY, AND JUSTIN

Hi Leslie,

Yes, unfortunately (or fortunately, depending on how you look at it) their schedules have been pretty packed these past few months and their always seems to be some last minute fire to put out. More than happy to set something up as Mandy wants to finish the discussion that had to be cut short.

Would you be able to do Thursday, August 17 at 2:00? If so, I will just need the names of the attendees if it will have changed since last week. It would most likely be about anything unresolved from last week's discussion as well as offsets. Anything else just let me know.

Best,

#### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

From: Leslie Sue Ritts [mailto:lritts@rittslawgroup.com]

Sent: Monday, August 14, 2017 2:51 PM

To: Dominguez, Alexander < dominguez.alexander@epa.gov>

**Cc:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>;

BOWEN.BRITTANY@EPA.GOV

Subject: RE: CONTINUING LAST WEEK'S NEDA/CAP MTG WITH MANDY, BRITTANY, AND JUSTIN

Hi Alex -

I hope you had a happy weekend and again, many thanks for helping to get the NEDA/CAP meeting on the schedule with Mandy, Justin & Brittany. Mandy suggested that we come back for another round this week when the calendar would be a little more open. If you want to let me know when that would be, I will alert the NEDA/CAP gang and see who is available.

Also if you would please check with her, did EPA just want to talk about offsets or did we want to revisit some of the issues we "tore through" earlier in the meeting? They had to depart our meeting hastily for another.

Best regards

ED\_002110\_00037632-00001

Leslie Sue Ritts Ritts Law Group, PLLC 620 Fort Williams Parkway Alexandria, VA 22304 (703) 823-2292 (office) (703) 966-3862 (cell) Iritts@rittslawgroup.com

#### Please note new email address

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From: Shepherd, Ray [rayshepherd@peabodyenergy.com]

**Sent**: 8/10/2017 4:33:19 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Re: 9:30AM CT - Lazard Intro

No worries. Let me see if the Lazard guys are available Wednesday or Thursday. Thanks

Sent from my iPhone

On Aug 10, 2017, at 10:18 AM, Dominguez, Alexander < dominguez alexander@epa.gov > wrote:

Hey Ray,

I apologize for her missing the call. I mistakenly put this on Mandy's calendar for yesterday which, per below, it was very clearly scheduled for today. Do you all have availability next week? If so any day but Tuesday would work for Mandy and can be flexible with the time.

Alex

From: Shepherd, Ray [mailto:rayshepherd@peabodyenergy.com]

Sent: Thursday, August 10, 2017 11:03 AM

**To:** Dominguez, Alexander < <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a> <a href="mailto:Cc: Gunasekara">Cc: Gunasekara</a>, Mandy < <a href="mailto:Gunasekara">Gunasekara</a>. Mandy @epa.gov</a> >

Subject: Re: 9:30AM CT - Lazard Intro

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Sorry we missed Mandy today. Could you please send some other times she is available? Thanks

Sent from my iPhone

On Aug 7, 2017, at 7:33 AM, Dominguez, Alexander < dominguez\_alexander@epa.gov > wrote:

Thanks Ray

Sent from my iPhone

On Aug 6, 2017, at 10:01 AM, Shepherd, Ray <a href="mailto:rayshepherd@peabodyenergy.com">rayshepherd@peabodyenergy.com</a> wrote:

Alex--

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#### 9:30AM CT - Lazard Intro

Scheduled: Thursday, Aug 10, 2017 from 10:30 AM to 11:00 AM

Location: Domestic: Conference phone and codes/Ex.6

Conference phone and codes/Ex.6

Invitees: Hort, Gregory, Bernath, Claudia, Cogliano, Samantha, Bilicic, George

## Sent from my iPhone

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From: Campbell, Abigail [abigail.campbell@siemens.com]

**Sent**: 7/20/2017 10:25:39 PM

To: Reicherts, Elizabeth [elizabeth.reicherts@siemens.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange

Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Bolen, Brittany

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Dravis, Samantha

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]

**Subject**: RE: Partnership on International Environmental Issues

One of our experts is not able to make to DC for next week's meeting now. Would it be possible to find a time for the following week (July 31 –August  $4^{th}$ ) so they can attend in person?

Many Thanks

Abby

**From:** Reicherts, Elizabeth (GM GA US) **Sent:** Wednesday, June 28, 2017 9:55 AM

**To:** Gunasekara, Mandy

Cc: Dominguez, Alexander; Bolen, Brittany; Dravis, Samantha; Campbell, Abigail (GM GA US)

**Subject:** RE: Partnership on International Environmental Issues

#### Hi Mandy!

We are sincerely grateful for discussion. The Board Members were very impressed with the direction and the knowledge of your team. They are excited about moving forward in the way that we discussed. I am out of the country on business travel the week of July 10 but the afternoon of the  $17^{th}$  or any time on the  $18^{th}$  should work. If you can give me a time on those days I will reach out to a few of my experts to gather them for the discussion. I was thinking someone for CAES, CCS, clean coal technology and maybe a power generation expert. Something like that? Best,

Liz

Liz Reicherts Head of US Government Affairs Siemens Corporation 300 New Jersey Avenue, NW, Suite 1000 Washington, DC 20001 Phone: 202.434.4806

Cell: Personal Phone / Ex. 6

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

**Sent:** Tuesday, June 27, 2017 7:12 PM **To:** Reicherts, Elizabeth (GM GA US)

**Cc:** Dominguez, Alexander; Bolen, Brittany; Dravis, Samantha **Subject:** Partnership on International Environmental Issues

Hey Liz,

It was great meeting you and thank you again for you and your colleagues time this afternoon. That was a very productive conversation.

It would be great if we could set up a meeting either the week of <u>July 10<sup>th</sup></u> or 17<sup>th</sup> to further discuss ways we can work together to facilitate international expansion of advanced energy technology and best environmental practices. I've CC'd Alex Dominguez who can help set something up. Let him know if any dates work better from your end and who all you will be bringing.

I look forward to connecting again soon.

Best, Mandy

Sent from my iPhone

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From: Fayne, Zachary [Zachary.Fayne@apks.com]

**Sent**: 7/28/2017 2:35:40 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Martel, Jonathan S. [Jonathan.Martel@apks.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Baptist, Erik

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]

CC: sue.chen@usdoj.gov [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=usereddaac46]; Kataoka, Mark [/o=ExchangeLabs/ou=Exchange

Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1e29f87a97c343739016147a80f9c57d-MKATAOKA];

Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Theodore, Elisabeth [Elisabeth.Theodore@apks.com]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Kime, Robin

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=7ef7b76087a6475b80fc984ac2dd4497-RKime]

Subject: RE: TTMA

#### Alex -

Below is the full list of attendees for TTMA for the July 31 meeting. Please let us know if you need any additional information in advance of the meeting. Thanks.

- 1. Rick Mullininx, Executive VP, Great Dane Trailers
- 2. George Gauntt, Sr. Director of Product Innovation, Kentucky Trailers
- 3. Peter Weis, Chief Engineer, Polar Tank Trailers
- 4. Gary Fenton, VP Engineering, Stoughton Trailers
- 5. Jan Hoover, VP of Customer Solutions Engineering, Strick Trailers
- 6. Andy Tanner, President, Talbert Manufacturing
- 7. Jeff Thompson, Executive VP Engineering/Production, Timpte Trailers
- 8. John Rust, VP of Engineering, Trailking
- 9. Jeff Bennett, Executive VP Engineering, Utility Trailers
- 10. Paul McNamara, Legal Counsel, Utility Trailers
- 11. Bart Bolton, Engineering Manager, Fontaine Trailers
- 12. Glen Darbyshire, Legal Counsel, TTMA
- 13. Jeff Sims, President, TTMA
- 14. John Freiler, Engineering Manager, TTMA
- 15. Tom Lynch, Legal Counsel, TTMA
- 16. Jonathan Martel, Arnold & Porter Kaye Scholer
- 17. Elizabeth Theodore, Arnold & Porter Kaye Scholer

Zachary Fayne Associate

### Arnold & Porter Kaye Scholer

Three Embarcadero Center | 10th Floor | San Francisco | CA 94111-4024 T: +1 415.471.3114 | M: +1 202.355.4877 | F: +1 415.471.3400 <a href="mailto:zachary.fayne@apks.com">zachary.fayne@apks.com</a> | www.apks.com

From: Fayne, Zachary

Sent: Monday, July 24, 2017 9:02 AM

To: 'Dominguez, Alexander'; Martel, Jonathan S.; Gunasekara, Mandy; Baptist, Erik

Cc: sue.chen@usdoj.gov; Kataoka, Mark; Orlin, David; Theodore, Elisabeth; Bolen, Brittany; Kime, Robin

Subject: RE: TTMA

Alex,

Please find attached TTMA's petition for reconsideration/stay, as well as the original April 3, 2017 letter requesting a meeting. TTMA is still finalizing its list of attendees. We should be able to get you that list in the next day or so. Let us know if you need anything else in advance of the meeting.

Best, Zack

Zachary Fayne Associate

Arnold & Porter Kaye Scholer

Three Embarcadero Center | 10th Floor | San Francisco | CA 94111-4024

T: +1 415.471.3114 | M: +1 202.355.4877 | F: +1 415.471.3400

zachary.fayne@apks.com | www.apks.com

----Original Message----

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Friday, July 21, 2017 7:05 AM

To: Martel, Jonathan S.; Gunasekara, Mandy; Baptist, Erik

Cc: sue.chen@usdoj.gov; Kataoka, Mark; Orlin, David; Theodore, Elisabeth; Fayne, Zachary; Bolen, Brittany; Kime, Robin

Subject: RE: TTMA

Jonathan,

Let's do Monday, July 31 at 11:00AM. If you could send me TTMA's petition as well as the original April 3, 2017 letter requesting a meeting that would be great. Additionally, I will need a list of attendees for security once you get those solidified. I will send out a calendar invite to everyone now. Anything else just let me know.

Alex

Alex Dominguez

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

----Original Message----

From: Martel, Jonathan S. [mailto:Jonathan.Martel@apks.com]

Sent: Friday, July 21, 2017 9:34 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>

Cc: sue.chen@usdoj.gov; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Theodore, Elisabeth <Elisabeth.Theodore@apks.com>; Fayne, Zachary <Zachary.Fayne@apks.com>; Bolen, Brittany

<bol><bolen.brittany@epa.gov>

Subject: RE: TTMA

Thanks, Mandy and Alex. Feel free to reach out by phone or email or let us know how we can help to arrange logistics.

Jonathan S. Martel

Partner

Arnold & Porter Kaye Scholer LLP

601 Massachusetts Ave., NW | Washington | DC 20001-3743

T: +1 202.942.5470 | M: +1 301.412.2075 | F: +1 202.942.5999 jonathan.martel@apks.com | www.apks.com

----Original Message-----

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Thursday, July 20, 2017 6:51 PM

To: Martel, Jonathan S.; Baptist, Erik; Dominguez, Alexander

Cc: sue.chen@usdoj.gov; Kataoka, Mark; Orlin, David; Theodore, Elisabeth; Fayne, Zachary; Bolen, Brittany

Subject: RE: TTMA

Great - I'm looping in Alex Dominguez who can help finalize all the logistics.

Hook forward to connecting soon.

Best, Mandy

----Original Message----

From: Martel, Jonathan S. [mailto:Jonathan.Martel@apks.com]

Sent: Thursday, July 20, 2017 3:24 PM To: Baptist, Erik <a href="mailto:baptist.erik@epa.gov">baptist.erik@epa.gov</a>

Cc: sue.chen@usdoj.gov; Kataoka, Mark <Kataoka.Mark@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Theodore,

Elisabeth < Elisabeth. Theodore@apks.com >; Fayne, Zachary < Zachary. Fayne@apks.com >; Gunasekara, Mandy

<Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Subject: RE: TTMA

Mandy, Brittany and Erik -- The TTMA team can be available at any time on July 31. Is there a time-slot that would be best for you? It would be helpful to nail that down for travel planning purposes. Thank you again. We very much appreciate your willingness to meet.

Jonathan S. Martel

**Partner** 

Arnold & Porter Kaye Scholer LLP

601 Massachusetts Ave., NW | Washington | DC 20001-3743

T: +1 202.942.5470 | M: +1 301.412.2075 | F: +1 202.942.5999 jonathan.martel@apks.com | www.apks.com

----Original Message----

From: Baptist, Erik [mailto:baptist.erik@epa.gov]

Sent: Monday, July 17, 2017 9:03 PM

To: Martel, Jonathan S.

Cc: sue.chen@usdoj.gov; Kataoka, Mark; Orlin, David; Theodore, Elisabeth; Fayne, Zachary; Gunasekara, Mandy; Bolen,

**Brittany** 

Subject: Re: TTMA

Jonathan,

Thank you for your email below. EPA would be happy to meet with TTMA's senior leadership on July 31. Please contact Mandy Gunasekara or Brittany Bolen (copied on this reply) to schedule the meeting.

Best, Erik

>

>

>

>

Sent from my iPhone

- > On Jul 17, 2017, at 3:27 PM, Martel, Jonathan S. < Jonathan.Martel@apks.com> wrote:
- > Erik, Sue, David and Mark:
- > Thank you again very much for taking the time to speak with us this afternoon. This is to follow up on Erik's inquiry asking us to reiterate TTMA's request for a meeting with EPA on its petitions to the Agency for reconsideration of the trailer GHG rule and an administrative stay under the APA or Clean Air Act. Our April 3, 2017 letter seeking such a meeting is attached together with our supplemental petition for reconsideration and a stay.
- > As we mentioned on the telephone, TTMA is prepared to bring senior leadership of its key members to a meeting on July 31, if that date would be convenient. If that day does not work, we would be happy to consider other options. We would like to discuss EPA's path forward, as the industry faces a compliance date of January 1, 2018, which requires both immediate investments to achieve compliance and will cause customers to shift business away from large manufacturers who are subject to compliance obligations and toward small volume manufacturers who have exemptions. This is creating tremendous pressure on TTMA members to do something to address compliance obligations with a rule that they believe is both unlawful and contrary to the current Administration's policy.
- > Although TTMA is concerned about the government's request for a 30-day extension to the abeyance of the pending litigation because that will defer the process to obtain relief from its current situation, we are amenable to considering this further together in a meeting hopefully on July 31, and extending the abeyance to accommodate this approach until August 4.
- > Sincerely,
  >
  > Jonathan
  > \_\_\_\_\_\_
  > Jonathan S. Martel
  > Partner
  > Arnold & Porter Kaye Scholer LLP
  > 601 Massachusetts Ave., NW | Washington | DC 20001-3743
- > T: +1 202.942.5470 | M: +1 301.412.2075 | F: +1 202.942.5999 > jonathan.martel@apks.com<mailto:jonathan.martel@apks.com> |
- > www.apks.com

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- > http://www.apks.com
- > <TTMA Petition for Reconsideration and Stay.pdf> <April 3 2017
- > Letter.pdf>

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From: Toth, Michael [Michael.Toth@oag.texas.gov]

**Sent**: 7/10/2017 6:26:33 PM

To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

Subject: RE: Call with Pruitt Counsel

#### Tate:

Can I give you a quick call now or at 3 p.m. eastern? I have a quick question about the call. Please send me your number or call me at the number below. Thanks!

Michael Toth Special Counsel to the First Assistant Attorney General 209 W. 14th Street (Mail Code 001) 8<sup>th</sup> Floor Austin, TX 78701 (512) 936-0631



From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]

Sent: Monday, July 10, 2017 12:53 PM

To: Toth, Michael < Michael. Toth@oag.texas.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: Call with Pruitt Counsel

Hey Michael,

Administrator Pruitt has asked that Mandy Gunasekara get ahold of AG Paxton. Cc'd is Alex in her office. What is the best way to set up a phone call?

Tate

PS Looking forward to the call on Thursday!

Elizabeth Tate Bennett Senior Deputy Associate Administrator Congressional and Intergovernmental Affairs Office of the Administrator U.S. Environmental Protection Agency

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 7/25/2017 8:36:00 PM

To: Reitter, Annabeth [Annabeth.Reitter@domtar.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange

Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,];

Spencer, Stuart [SPENCER@adeq.state.ar.us]

**Subject**: RE: 7/26 meeting

Hey Annabeth,

3:15 would work fine as long as you do not anticipate the meeting lasting more than a half hour. Mandy has a 4:00 she cannot miss.

Alex

From: Reitter, Annabeth [mailto:Annabeth.Reitter@domtar.com]

Sent: Tuesday, July 25, 2017 4:27 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Spencer, Stuart <SPENCER@adeq.state.ar.us>

Cc: Dominguez, Alexander < dominguez.alexander@epa.gov>

Subject: Re: 7/26 meeting

Thanks Mandy. Looking forward to our discussion. Since I will be coming from the Senate side, would it be a problem to start at 3:15 p.m.?

### Annabeth

Sent from my BlackBerry 10 smartphone.

From: Gunasekara, Mandy

**Sent:** Tuesday, July 25, 2017 3:30 PM **To:** Spencer, Stuart; Reitter, Annabeth

**Cc:** Dominguez, Alexander **Subject:** RE: 7/26 meeting

Thanks, Stuart.

Annabeth, I look forward to meeting with you tomorrow. I've cc'd Alex Dominguez. Please email him when you get here and he can escort you up to my office, 3315A.

Best, Mandy

From: Spencer, Stuart [mailto:SPENCER@adeq.state.ar.us]

Sent: Tuesday, July 25, 2017 2:48 PM

To: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov >; Reitter, Annabeth (Annabeth. Reitter @domtar.com)

<Annabeth.Reitter@domtar.com>

Subject: 7/26 meeting

Mandy and Annabeth,

Hello, ladies! You are now officially connected via e-mail. Mandy, thank you for returning my call today and for being able to accommodate a meeting with Annabeth on such short notice. If I can do anything else to help facilitate tomorrow's meeting, please let me know.

Sincerely,

Stuart Spencer

Associate Director- Office of Air Quality Arkansas Department of Environmental Quality 5301 Northshore Drive North Little Rock, AR 72118 Ph. # (501) 682-0750

Fax # (501) 682-0730

E-mail: <a href="mailto:SPENCER@adeq.state.ar.us">SPENCER@adeq.state.ar.us</a>
Web: <a href="http://www.adeq.state.ar.us">http://www.adeq.state.ar.us</a>



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From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 7/17/2017 8:13:12 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Erin Chancellor [Erin.Chancellor@tceq.texas.gov]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]

Subject: RE: Call with Chairman Shaw

Thursday, July 20 at 1:00 EST works on our end. I will send over a calendar invite with the conference line now.

From: Gunasekara, Mandy

Sent: Monday, July 17, 2017 3:58 PM

To: Erin Chancellor < Erin. Chancellor@tceq.texas.gov >; Schwab, Justin < schwab.justin@epa.gov >

Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: RE: Call with Chairman Shaw

Yes – I have an opening from 1 to 2 pm (EST). Looping in Alex who can help finalize logistics from my end.

From: Erin Chancellor [mailto:Erin.Chancellor@tceq.texas.gov]

Sent: Monday, July 17, 2017 2:42 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>

Subject: Call with Chairman Shaw

Mandy & Justin,

Any chance y'all are available for a call with Chairman Shaw and I on Thursday afternoon? He would like to touch base on the regional haze front.

Thanks,

#### Erin E. Chancellor

Special Counsel to Chairman Bryan Shaw, Ph.D., P.E. Texas Commission on Environmental Quality 12100 Park 35 Circle, Bldg. F, Austin, Texas 78753 (512) 239-0649 Erin.Chancellor@tceq.texas.gov

Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP From:

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

Sent: 7/6/2017 11:41:14 AM

Reicherts, Elizabeth [elizabeth.reicherts@siemens.com] To:

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group]

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Partnership on International Environmental Issues

Great - let's do 2:00PM on Thursday, July 27th. I'll just need the list of attendees a few days before the meeting to provide to security and will be all set. Additionally, if there is anything in particular you would like to discuss that Mandy and Samantha are already not aware of, just let me know and I will make sure they get briefed beforehand. I will send you a calendar invite shortly and looking forward to it.

Best, Alex

### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

From: Reicherts, Elizabeth [mailto:elizabeth.reicherts@siemens.com]

Sent: Monday, July 3, 2017 1:25 PM

**To:** Dominguez, Alexander < dominguez.alexander@epa.gov> Cc: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov> Subject: RE: Partnership on International Environmental Issues

Ok great lets aim for that - I'm completely open on the 27th if you would like to pick a time and then I'll get it on my experts calendars.

Liz Reicherts Head of US Government Affairs Siemens Corporation 300 New Jersey Avenue, NW, Suite 1000 Washington, DC 20001 Phone: 202.434.4806 Cell: Personal Phone / Ex. 6

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

**Sent:** Friday, June 30, 2017 4:01 PM To: Reicherts, Elizabeth (GM GA US)

**Cc:** Gunasekara, Mandy

Subject: RE: Partnership on International Environmental Issues

The afternoon of the 26-28<sup>th</sup> are all open right now. Appreciate the flexibility.

Alex

From: Reicherts, Elizabeth [mailto:elizabeth.reicherts@siemens.com]

Sent: Friday, June 30, 2017 3:57 PM

To: Dominguez, Alexander < <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a> <a href="mailto:Cc">Cc: Gunasekara, Mandy <a href="mailto:Gunasekara.Mandy@epa.gov">Gunasekara, Mandy@epa.gov</a> <a href="mailto:Subject">Subject: Re: Partnership on International Environmental Issues</a>

The following week work? I'm out of the country first two weeks of July unfortunately!

Liz Reicherts Head of US Government Affairs Siemens Corporation

Sent from my iPhone

On Jun 30, 2017, at 2:27 PM, Dominguez, Alexander < dominguez.alexander@epa.gov> wrote:

Liz,

I apologize but Mandy just found out she is going to be on work-related travel the week of the 16<sup>th</sup> so we are going to have to reschedule the July 18<sup>th</sup> meeting. Is there another week/dates that work on your end?

Best, Alex

## **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency Work: 202-564-3164 | Cell: Personal Phone / Ex. 6

From: Dominguez, Alexander

Sent: Thursday, June 29, 2017 3:14 PM

**To:** 'Reicherts, Elizabeth' < <u>elizabeth.reicherts@siemens.com</u>> **Subject:** RE: Partnership on International Environmental Issues

Perfect - hold is on all the calendars for Tuesday, July 18 at 2:30.

Alex

From: Reicherts, Elizabeth [mailto:elizabeth.reicherts@siemens.com]

Sent: Thursday, June 29, 2017 12:45 PM

**To:** Dominguez, Alexander < <u>dominguez.alexander@epa.gov</u>> **Subject:** RE: Partnership on International Environmental Issues

Hi Alex!

Ok, let me talk to my guys and come back but can we hold 2:30p.m.? I'll come back as soon as I can. Best,

Liz

Liz Reicherts Head of US Government Affairs Siemens Corporation 300 New Jersey Avenue, NW, Suite 1000 Washington, DC 20001 Phone: 202.434.4806

**From:** Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

**Sent:** Thursday, June 29, 2017 12:31 PM **To:** Reicherts, Elizabeth (GM GA US)

Subject: RE: Partnership on International Environmental Issues

Hey Liz,

Happy to set this up for everyone. The 18<sup>th</sup> works great – any time after 2:15 so just let me know what works best for you and I will get it on the calendar. I spoke with Mandy and those sorts of experts would be great. At this point I just need to know roughly how many people will be attending in order to reserve the appropriate conference room. Prior to the meeting I will need a few pieces of information from you:

- List of attendees for security
- General list of topics to be discussed
- Any relevant materials.

Anything else don't hesitate to reach out.

Best, Alex

### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

Work: 202-564-3164 | Cell: | Personal Phone / Ex. 6

From: Reicherts, Elizabeth [mailto:elizabeth.reicherts@siemens.com]

Sent: Wednesday, June 28, 2017 9:55 AM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Cc: Dominguez, Alexander < dominguez.alexander@epa.gov >; Bolen, Brittany

<br/><bolen.brittany@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Campbell, Abigail

<abigail.campbell@siemens.com>

Subject: RE: Partnership on International Environmental Issues

## Hi Mandy!

We are sincerely grateful for discussion. The Board Members were very impressed with the direction and the knowledge of your team. They are excited about moving forward in the way that we discussed. I am out of the country on business travel the week of July 10 but the afternoon of the 17th or any time on the 18th should work. If you can give me a time on those days I will reach out to a few of my experts to gather them for the discussion. I was thinking someone for CAES, CCS, clean coal technology and maybe a power generation expert. Something like that? Best,

Liz

Liz Reicherts Head of US Government Affairs Siemens Corporation 300 New Jersey Avenue, NW, Suite 1000 Washington, DC 20001 Phone: 202.434.4806 Cell: Personal Phone / Ex. 6

**From:** Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

**Sent:** Tuesday, June 27, 2017 7:12 PM **To:** Reicherts, Elizabeth (GM GA US)

**Cc:** Dominguez, Alexander; Bolen, Brittany; Dravis, Samantha **Subject:** Partnership on International Environmental Issues

Hey Liz,

It was great meeting you and thank you again for you and your colleagues time this afternoon. That was a very productive conversation.

It would be great if we could set up a meeting either the week of <u>July 10<sup>th</sup></u> or 17<sup>th</sup> to further discuss ways we can work together to facilitate international expansion of advanced energy technology and best environmental practices. I've CC'd Alex Dominguez who can help set something up. Let him know if any dates work better from your end and who all you will be bringing.

I look forward to connecting again soon.

Best, Mandy

Sent from my iPhone

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From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 7/10/2017 9:08:46 PM

To: Toth, Michael [Michael.Toth@oag.texas.gov]

CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]; Gunasekara, Mandy

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Call with Pruitt Counsel

Tomorrow (July 11<sup>th</sup>) at 4:15ET works great. The conference line is **Conference phone and access code / Ex. 6** 

Appreciate your help in setting this up. Anything else don't hesitate to reach out.

Best,

Alex

## **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

Office: 202-564-3164 | Cell: Personal Phone / Ex. 6

From: Toth, Michael [mailto:Michael.Toth@oag.texas.gov]

Sent: Monday, July 10, 2017 4:58 PM

To: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: RE: Call with Pruitt Counsel

Good afternoon, All:

AG Paxton is available tomorrow for the call at 4:15 eastern time. Please confirm that time and send to me a number where we can call.

Very respectfully yours,

Michael Toth Special Counsel to the First Assistant Attorney General 209 W. 14th Street (Mail Code 001) 8<sup>th</sup> Floor Austin, TX 78701 (512) 936-0631



From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Monday, July 10, 2017 1:48 PM

To: Toth, Michael < Michael. Toth@oag.texas.gov>

Cc: Bennett, Tate < Bennett. Tate@epa.gov>; Dominguez, Alexander < dominguez.alexander@epa.gov>

Subject: Re: Call with Pruitt Counsel

Michael: please call 202-564-2314. I look forward to connecting soon.

Tate, please come to my office for the call (3315A) if available.

Best, Mandy

Sent from my iPhone

On Jul 10, 2017, at 2:27 PM, Toth, Michael < Michael. Toth@oag.texas.gov > wrote:

Tate:

Can I give you a quick call now or at 3 p.m. eastern? I have a quick question about the call. Please send me your number or call me at the number below. Thanks!

Michael Toth Special Counsel to the First Assistant Attorney General 209 W. 14th Street (Mail Code 001) 8<sup>th</sup> Floor Austin, TX 78701 (512) 936-0631

<image002.jpg>

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]

Sent: Monday, July 10, 2017 12:53 PM

To: Toth, Michael < Michael. Toth@oag.texas.gov>

Cc: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov >; Dominguez, Alexander

<a href="mailto:</a><a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a>>
<a href="mailto:Subject: Call with Pruitt Counsel">Subject: Call with Pruitt Counsel</a>

Hey Michael,

Administrator Pruitt has asked that Mandy Gunasekara get ahold of AG Paxton. Cc'd is Alex in her office. What is the best way to set up a phone call?

Tate

PS Looking forward to the call on Thursday!

Elizabeth Tate Bennett Senior Deputy Associate Administrator Congressional and Intergovernmental Affairs Office of the Administrator U.S. Environmental Protection Agency

From: Horton, Melissa H. [MHIGGINS@southernco.com]

**Sent**: 6/28/2017 3:01:56 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

**Subject**: RE: June 19 EPA Roundtable – Logistics and Agenda

Hi Mandy. Are you available for a very quick call today – 5-10 min. max.? Thanks!

### Melissa H. Horton

Federal Environmental Affairs Manager Office 202-261-5014 | Mobile 205-613-8320



From: Bravo, Summer B [Summer.B.Bravo@xcelenergy.com]

**Sent**: 6/22/2017 9:26:58 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Visit / Meeting next Tuesday
Attachments: XcelEnergyFactSheet\_2016.pdf

Hi Mandy,

I hope you are doing well.		Personal Matters / Ex. 6
Personal Matters	·	

I am mainly reaching out to see who the best person at EPA would be to meet with. My Vice President is in town on Tuesday next week and wants to discuss clean air act (specially regional haze) and CPC next steps. I of course said "I know someone awesome at the EPA that might be able to help!" So I apologize for buggy you on this, especially if you are not the right person. But if you don't mind connecting me with the right person, that would be great. As you may know, Xcel Energy is a gas and electric utility headquartered in MN. We operate over 8 states in the West and Midwest and we're the nation's leading wind energy provider. Of course by nature of where we operate we tend to be a very progressive company.

Sorry for the late email and for late notice on his availability. If we aren't able to work something out this time then I completely understand. Thanks so much for your help. Hope to see you soon! (Even though I have heard that you are very busy these days!)

Summer Bravo

Xcel Energy | Responsible By Nature

Manager, Federal Government Affairs 701 Pennsylvania Avenue NW, Suite 250 Washington, DC 20004

P: 205.790.3679

E:summer.b.bravo@xcelenergy.com

XCELENERGY.COM

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 6/20/2017 1:50:04 PM

To: Stephanie Salmon Personal Email / Ex. 6

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Am Foundry Society - Meeting with 100 Foundry Owners... - Need a favor for Wed June 21

Stephanie - Can you provide me the details for the breakfast?

Appreciate it,

Alex

### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460

From: Gunasekara, Mandy

Sent: Tuesday, June 20, 2017 9:47 AM

**To:** Stephanie Salmon **Personal Email / Ex. 6** Dominguez, Alexander <dominguez.alexander@epa.gov> **Subject:** Re: Am Foundry Society - Meeting with 100 Foundry Owners... - Need a favor for Wed June 21

I believe so- Alex, can you coordinate logistics and see if I can make this work?

Sent from my iPhone

On Jun 20, 2017, at 8:47 AM, Stephanie Salmon | Personal Email / Ex. 6 | wrote:

Mandy

Samantha Greenwalt was supposed to speak to our group for breakfast tomorrow at 7:30 / 8:00 am on Wed and is now not available – is there any chance you could fill in?

We would be extremely grateful and appreciative.

**Thanks** 

Stephanie

**Stephanie Salmon I** Vice President Government Affairs **I American Foundry Society – Washington Office** 25 Massachusetts Ave, NW - Suite 800 I Washington, D.C. 20001

Ofc: 202-452-7135 - Cell: 571-242-0186 | ssalmon@afsinc.org

From: Bailey, Stefan [Stefan.Bailey@prime-policy.com]

Sent: 6/23/2017 2:43:49 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Rozsa, Gabe [Gabe.Rozsa@prime-policy.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative

Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Two Issues

Sure - here's the number:

# Conference phone and access code / Ex. 6

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Friday, June 23, 2017 10:26 AM

To: Bailey, Stefan <Stefan.Bailey@prime-policy.com>

Cc: Rozsa, Gabe <Gabe.Rozsa@prime-policy.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: RE: Two Issues

Perfect. Actually yes, if we could use yours that would be ideal. Thank you.

From: Bailey, Stefan [mailto:Stefan.Bailey@prime-policy.com]

**Sent:** Friday, June 23, 2017 10:07 AM

To: Dominguez, Alexander < dominguez.alexander@epa.gov>

Cc: Rozsa, Gabe < Gabe. Rozsa@prime-policy.com >; Gunasekara, Mandy < Gunasekara. Mandy@epa.gov >

Subject: RE: Two Issues

Alex – 12:15pm on 6/27 works for us. Will you send a call-in number I can circulate to folks on our side? I can provide if preferred.

Thanks again for the opportunity.

Stefan

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

**Sent:** Friday, June 23, 2017 8:32 AM

To: Bailey, Stefan <Stefan.Bailey@prime-policy.com>

Cc: Rozsa, Gabe <Gabe.Rozsa@prime-policy.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: RE: Two Issues

Stefan – Would you be able to do a call on Tuesday, June 27 at either 9:15 or 12:15?

#### Alex Dominguez

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

Work: 202-564-3164 | Cell: Personal Phone / Ex. 6

From: Bailey, Stefan [mailto:Stefan.Bailey@prime-policy.com]

**Sent:** Wednesday, June 21, 2017 12:53 PM

122

To: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Cc: Rozsa, Gabe < Gabe. Rozsa@prime-policy.com >; Dominguez, Alexander < dominguez.alexander@epa.gov >

Subject: RE: Two Issues

Mandy – as promised I am enclosing background information on the EDI/Iris Glen project. The two attachments are rather detailed – the Memorandum PDF provides a relatively condensed overview of the project. Below are some of the salient points that address the issues raised by OTAQ.

Please let me know if you would be available to schedule a call or meeting with us prior to EDI's 6/28 meeting. Thanks again for your consideration.

#### Stefan

- The Project is compliant with all of the RFS regulations, guidance, and rulemakings as well as the statutory goals of the RFS of increasing energy independence and security and the production of clean renewable fuels.
- The Project will displace fossil-fuel-derived gas, and is demonstrated to be a verifiable contractual pathway exists that ensures:
  - (1) a specific volume of landfill gas is placed into the commercial pipeline system that serves a transportation fueling facility, and
  - (2) a volume of gas is drawn into this facility and matches the volume of landfill gas placed on the pipeline system.

<u>NOTE</u>: After the methane is converted to RNG, it is injected into a pipeline that connects into an energy center located on the James H. Quillen Veterans Administration (VA) Hospital (~4 miles away from the project) effectively displacing conventional natural gas that would otherwise be burned at the facility. The displaced gas is contractually sold through a displacement contract to Memphis Gas, Power and Light to be converted into renewable transportation fuel used in the UPS CNG fleet.

The contractual sale of the gas through displacement, rather than the physical sale of gas, is similar to the majority of EPA certified D3 RIN projects and represents commercial realities of transporting natural gas.

- The gas will be transported from the point of injection to the point of withdrawal across the same commercial distribution system, as required by the RFS regulations and in the same manner as other projects approved by EPA.
- The biogas injected into the commercial distribution system meets pipeline quality specifications, as it will have been purified, and contaminants will be removed to the specifications of the pipeline into which it will be injected in compliance with the guidance released by EPA.
- The Project is not unique: it is displacing natural gas in the same manner as other EPA- approved projects.

From: Bailey, Stefan

Sent: Tuesday, June 20, 2017 11:19 AM

To: 'Gunasekara, Mandy' < Gunasekara. Mandy@epa.gov>; Rozsa, Gabe < Gabe. Rozsa@prime-policy.com>

Cc: 'Dominguez, Alexander' < dominguez.alexander@epa.gov>

Subject: RE: Two Issues

Mandy - I just concluded a call with EDI. I was told that a meeting between OTAQ (Madison Le and others) and EDI is scheduled tentatively for next Wednesday (June 28) in Washington.

In light of this and your suggestion to discuss soon, would you consider a conference call for later this week (Thursday or Friday)? We'd brief you on the project's conformity to relevant laws, guidance and regulations, and similarities with projects approved previously by EPA.

If this week is out would it be possible for an in-person meeting early next week...before 6/28?

We are preparing additional background materials which I expect to provide you tomorrow morning.

Please let me know what is best for you. I appreciate your consideration.

Stefan

STEFAN L.B. BAILEY

Managing Director

1110 Vermont Avenue NW | Suite 1000 | Washington, DC 20005 202 530 4625 | (C) 202 329 9615 | www.prime-policy.com



A WPP Group Company: <u>www.wpp.com</u>

-----Original Message-----From: Bailey, Stefan

Sent: Tuesday, June 20, 2017 7:54 AM

To: 'Gunasekara, Mandy' <Gunasekara.Mandy@epa.gov>; Rozsa, Gabe <Gabe.Rozsa@prime-policy.com>

Cc: Dominguez, Alexander <a href="mailto:dominguez.alexander@epa.gov">dominguez.alexander@epa.gov</a>

Subject: RE: Two Issues

Mandy - thank you for the update. I am speaking with EDI this morning and will strongly recommend we get a meeting on the books with you...and quickly. I'll report back.

Stefan

----Original Message----

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Monday, June 19, 2017 9:40 PM

To: Rozsa, Gabe < Gabe.Rozsa@prime-policy.com>

Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>; Bailey, Stefan <Stefan.Bailey@prime-policy.com>

Subject: Re: Two Issues

Below is the note I received from OTAQ. It would probably be good to discuss soon.

Best, Mandy

The firm that owns Iris Glen, Energy Developments Inc. (EDI) is seeking EPA registration to generate RINs for landfill biogas that is compressed and sent via a dedicated pipeline to a VA Medical Center for non-transportation uses. The statute and RFS regulations define renewable fuel as "transportation fuel" that is "for use" in motor vehicles, motor vehicle engines, non-road vehicles or non-road engines, and the RFS regulations require that biogas delivered via a private pipeline be demonstrated to be used for transportation purposes to be eligible for RIN credit. This is why we've been unable to approve this registration request. We communicated the challenges of this registration request to the company early on in the process. At the company's request, we have kept this registration request open to allow it to submit additional information for our consideration. Note, the original application was submitted by Energy Systems Group (ESG) Biofuels – the ownership recently transferred to EDI in March 2017.

For the reasons noted above, we have not acted on EDI's registration request. While we are still working closely with the company to enable it to provide us additional information and analysis, we hope to bring the matter to a close in the near future.

Sent from my iPhone

> On Jun 19, 2017, at 9:15 AM	1, Rozsa, Gabe	<gabe.rozsa@pr< th=""><th>rime-policy</th><th>y.com&gt; wrote:</th></gabe.rozsa@pr<>	rime-policy	y.com> wrote:
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>

> Gabe

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From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 6/26/2017 11:51:22 AM

To: Morris, Madeline [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=f42c86b4a2044779972ac94e098f0304-Morris, Mad]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Annie Palisi

[palisi@invariantgr.com]; Kelli Ripp [ripp@invariantgr.com]

Subject: RE: UPA Meeting Request Follow Up Attachments: UPA Request - Pruitt 06-23.pdf

Hey Madeline,

Forwarding along a request from Invariant on behalf of the Uranium Producers of America for a meeting with the Administrator. Invariant originally sent this to Sydney Hupp last month and I just wanted to make sure it now got to the right person. If you need anything else just let me know.

Alex

### **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency

Work: 202-564-3164 | Cell: Personal Phone / Ex. 6

From: Kelli Ripp [mailto:ripp@invariantgr.com]

**Sent:** Friday, June 23, 2017 3:33 PM

To: Dominguez, Alexander <dominguez.alexander@epa.gov>

Cc: Annie Palisi <palisi@invariantgr.com>
Subject: UPA Meeting Request Follow Up

Hi Alex, thanks for your help. I've attached an updated formal meeting request letter for UPA. Our members are in DC on July 17-19 so those dates would work, but we are also able to bring some of the CEO's in earlier if the Administrator has time before then. We'd like to discuss a proposed rule that we hope EPA will consider withdrawing, the comment period for which ends on July 18.

Thanks again, and let us know if there's anything further we can do to get this on the calendar!

Kelli

Kelli Ripp
Invariant
202.742.1925 O
309.678.2434 M
ripp@invariantgr.com
(Heather Podesta + Partners is now Invariant)

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 6/20/2017 11:14:30 AM

To: Brendan.Williams@pbfenergy.com

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Call - Mandy EPA

Hey Brendan,

Mandy mentioned you were looking to set up a call. Would you be able to do today at 3:30?

Best,

## **Alex Dominguez**

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 6/23/2017 12:24:51 PM

To: Bravo, Summer B [Summer.B.Bravo@xcelenergy.com]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Visit / Meeting next Tuesday

Morning Summer - Would you be able to do 2:15PM on Tuesday, June 27th? If so I just need a list of attendees for security and will get everything all set up.

Best,

Alex Dominguez
Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency

U.S. Environmental Protection Agency
Work: 202-564-3164 Cell: Personal Phone / Ex. 6

----Original Message----

From: Bravo, Summer B [mailto:Summer.B.Bravo@xcelenergy.com]

Sent: Thursday, June 22, 2017 6:02 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: Re: Visit / Meeting next Tuesday

Mandy! Thank you so much. I think it s a tight window. Right now we are open all day on Tuesday.

Thanks Alex! Let me know what you may need.

Summer Bravo Xcel Energy 205.790.3679

Please excuse any typos, this message was sent from my iPhone.

On Jun 22, 2017, at 5:41 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>> wrote:

XCEL ENERGY SECURITY NOTICE: This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please visit the Phishing page on XpressNET.

Hey Summer,

Great to hear from you!

Personal Matters / Ex. 6

### Personal Matters / Ex. 6

Regarding the meeting request, I'm the right person and would be happy to set something up. I've CC'd Alex Dominguez who can firm up logistical details for Tuesday.

Look forward to seeing you soon.

Mandy

Sent from my iPhone

On Jun 22, 2017, at 5:28 PM, Bravo, Summer B <Summer.B.Bravo@xcelenergy.com<mailto:Summer.B.Bravo@xcelenergy.com>> wrote:

Hi Mandy,

I hope you are doing well.

Personal Matters / Ex. 6

Personal Matters / Ex. 6

I am mainly reaching out to see who the best person at EPA would be to meet with. My Vice President is in town on Tuesday next week and wants to discuss clean air act (specially regional haze) and CPC next steps. I of course said "I know someone awesome at the EPA that might be able to help!" So I apologize

for buggy you on this, especially if you are not the right person. But if you don't mind connecting me with the right person, that would be great. As you may know, Xcel Energy is a gas and electric utility headquartered in MN. We operate over 8 states in the West and Midwest and we're the nation's leading wind energy provider. Of course by nature of where we operate we tend to be a very progressive company.

Sorry for the late email and for late notice on his availability. If we aren't able to work something out this time then I completely understand. Thanks so much for your help. Hope to see you soon! (Even though I have heard that you are very busy these days!)

Summer Bravo Xcel Energy | Responsible By Nature Manager, Federal Government Affairs 701 Pennsylvania Avenue NW, Suite 250 Washington, DC 20004 P: 205.790.3679

E:summer.b.bravo@xcelenergy.com<mailto:summer.b.bravo@xcelenergy.com>

XCELENERGY.COM<http://XCELENERGY.COM>

<XcelEnergyFactSheet\_2016.pdf>

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From: Rozsa, Gabe [Gabe.Rozsa@prime-policy.com]

**Sent**: 6/19/2017 1:14:19 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Bailey, Stefan

[Stefan.Bailey@prime-policy.com]

Subject: RE: Two Issues

Mandy,

No worries. I know you have been very busy. We are checking with the client as to their available to come down. I am also copying my colleague, Stefan Bailey who is the team lead for this client.

Gabe

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Friday, June 16, 2017 1:37 PM

To: Rozsa, Gabe <Gabe.Rozsa@prime-policy.com>

Cc: Dominguez, Alexander < dominguez.alexander@epa.gov>

Subject: RE: Two Issues

Hi Gabe.

Sorry for delayed response. There was indeed a lot of love for DERA ©

On the RINS note, I've requested a status update from OTAQ and hope to have information to discuss soon.

I'm also happy to set up a meeting. I've cc'd Alex who can help with the logistics. Next week is pretty booked so we are likely looking at the week of June 26.

I hope all is well!

Best,

Mandy

From: Rozsa, Gabe [mailto:Gabe.Rozsa@prime-policy.com]

Sent: Friday, June 16, 2017 10:58 AM

To: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Subject: FW: Two Issues

Mandy,

Great hearing in front of House Interior Approps. Your boss did a great job. DERA was the alpha and omega of the hearing!

When you come up for air. Can you let me know if you have time to chat about the RINS question I raised Monday?

Gabe

From: Rozsa, Gabe

Sent: Monday, June 12, 2017 3:37 PM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Subject: Two Issues

Hi Mandy -

I hope you are well although I know you have much on your plate right now. I just left a VM about DERA. Let me know if you have a minute to chat on that.

I also wanted to chat with you about another issue that is also pressing but perhaps less urgent when you come up for air.

Would you have time to meet in the not too distant future with a company we are trying to help, Energy Developments Inc. (EDI), to discuss a renewable natural gas project in Johnson City, TN. They are seeking EPA qualification to generate RINs. The project has been under review at EPA for more than 18 months – it currently is under review at the Office of Enforcement. We believe this is an unnecessary long delay and one that is causing undue financial hardship for EDI. I wrote to OTAQ about this about 15 months ago but never heard anything back.

EDI has responded to multiple requests for further information during the previous 18 months from various offices within EPA. EDI has openly and transparently addressed issues raised by EPA in an attempt to foster a positive decision. EDI has received no indication on the timing of a decision or a read on the definitive progress of EPA's review. Again, this is creating substantial business uncertainty for EDI and its partners in the project.

EDI has asked EPA to finalize its review as quickly as possible; we'd like to brief you on the project and its status at EPA. We understand you are not in a position to make an ultimate determination on the application; instead, we are seeking your office's assistance in moving along the review to a (hopefully positive) final outcome.

Attached is a very brief description of the project. Please let me know if you would be available to meet.

If you are not the right person on this, let me know who is.

Best,

Gabe

Gabe Rozsa
Managing Director
1110 Vermont Avenue, NW | Suite 1000 | Washington, DC 20005
202.530.4843 | Fax: 202.530.4800 | Cell: 202.701.7710
www.prime-policy.com



A WPP Group Company: www.wpp.com

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From: Stephanie Salmon [ssalmondc@gmail.com]

**Sent**: 6/20/2017 3:10:27 PM

To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: RE: Am Foundry Society - Meeting with 100 Foundry Owners... - Need a favor for Wed June 21

### Alex

Thank you so much!!! Please let Mandy know how appreciative we are!!

I will plan to meet Mandy at the front door of the hotel – We will be in Congressional A on the lobby level near registration desk.

Could she highlight

- 1. Culture mind change taking place at EPA
- 2. Big picture of policy changes (ie WOTUS, Clean Power Plan) effecting manufacturers
- 3. Where EPA is headed/goals...

Thanks again,

Stephanie

Stephanie Salmon I Vice President Government Affairs I American Foundry Society - Washington Office

25 Massachusetts Ave, NW - Suite 800 l Washington, D.C. 20001 Ofc: 202-452-7135 - Cell: 571-242-0186 l ssalmon@afsinc.org

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Tuesday, June 20, 2017 10:59 AM

To: Stephanie Salmon <ssalmondc@gmail.com>

Subject: RE: Am Foundry Society - Meeting with 100 Foundry Owners... - Need a favor for Wed June 21

Ok let's do it. 7:30 would be best. If you can just send me any relevant information I'll start compiling everything.

From: Stephanie Salmon [mailto:ssalmondc@gmail.com]

Sent: Tuesday, June 20, 2017 10:47 AM

**To:** Dominguez, Alexander < dominguez.alexander@epa.gov>

Subject: RE: Am Foundry Society - Meeting with 100 Foundry Owners... - Need a favor for Wed June 21

She cancelled this morning.

Stephanie

From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]

Sent: Tuesday, June 20, 2017 10:45 AM

To: Stephanie Salmon <ssalmondc@gmail.com>

Subject: RE: Am Foundry Society - Meeting with 100 Foundry Owners... - Need a favor for Wed June 21

Ok great. Hopefully last question then I will be able to get you an answer – I see on the website Samantha Dravis is listed to speak. Is she still participating or did she have to cancel as well?

From: Stephanie Salmon Personal Email / Ex. 6

Sent: Tuesday, June 20, 2017 10:20 AM

**To:** Dominguez, Alexander < dominguez.alexander@epa.gov > **Cc:** Gunasekara, Mandy < Gunasekara.Mandy@epa.gov >

Subject: RE: Am Foundry Society - Meeting with 100 Foundry Owners... - Need a favor for Wed June 21

### Alex

Our event is taking place at the Hyatt Regency on Capitol Hill – 400 New Jersey Ave. The session can start at 7:30 or 7:45 or 8:00 – willing to work with Mandy – would any of the times work? Focus on reg reform efforts and issues that the Administrator will be focusing on – including WOTUS, Clean Power Plan. We have 100 foundry owners from over 20 states. Big Midwest concentration.

Thanks so much for considering!

**Stephanie Salmon I** Vice President Government Affairs **I American Foundry Society – Washington Office** 25 Massachusetts Ave, NW - Suite 800 I Washington, D.C. 20001

Ofc: 202-452-7135 - Cell: 571-242-0186 | ssalmon@afsinc.org

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]

Sent: Tuesday, June 20, 2017 9:47 AM

**To:** Stephanie Salmon { Personal Email / Ex. 6 }; Dominguez, Alexander < dominguez.alexander@epa.gov > **Subject:** Re: Am Foundry Society - Meeting with 100 Foundry Owners... - Need a favor for Wed June 21

I believe so- Alex, can you coordinate logistics and see if I can make this work?

Sent from my iPhone

On Jun 20, 2017, at 8:47 AM, Stephanie Salmon Personal Email / Ex. 6 > wrote:

Mandy

Samantha Greenwalt was supposed to speak to our group for breakfast tomorrow at 7:30 / 8:00 am on Wed and is now not available – is there any chance you could fill in?

We would be extremely grateful and appreciative.

**Thanks** 

Stephanie

**Stephanie Salmon I** Vice President Government Affairs **I American Foundry Society – Washington Office** 25 Massachusetts Ave, NW - Suite 800 I Washington, D.C. 20001

Ofc: 202-452-7135 - Cell: 571-242-0186 | ssalmon@afsinc.org

From: Holmstead, Jeff [jeff.holmstead@bracewell.com]

**Sent**: 6/14/2017 11:29:57 AM

To: Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

**Subject**: Re: Hoping to talk with you

I just saw the earlier email from Alex. 3:00 is great, but I could also do a call at 4:30 or 5:00.

Also, if it's OK, I would like to have the lead person from Kinder Morgan join us by phone. She has been involved from the beginning and will know the answer to any questions you have have

From: Holmstead, Jeff

Sent: Wednesday, June 14, 2017 7:25 AM

To: Greenwalt, Sarah

Cc: Gunasekara, Mandy; Dominguez, Alexander

Subject: Re: Hoping to talk with you

3:00 would be great. Just let me know if you want to do a meeting or a call.

From: Greenwalt, Sarah < greenwalt.sarah@epa.gov>

Sent: Wednesday, June 14, 2017 6:35 AM

To: Holmstead, Jeff

Cc: Gunasekara, Mandy; Dominguez, Alexander

Subject: Re: Hoping to talk with you

So 3:00 would work?

Sent from my iPhone

On Jun 13, 2017, at 10:29 PM, Holmstead, Jeff < <a href="mailto:jeff.holmstead@bracewell.com">jeff.holmstead@bracewell.com</a> wrote:

If you have any flexibility, after 2:30 is best for me, but I can be available any time that works for you.

Thanks very much.

Sent from my iPhone

On Jun 13, 2017, at 8:32 PM, Greenwalt, Sarah < greenwalt.sarah@epa.gov > wrote:

Jeff,

I just landed in D.C. Alex can set something up for tomorrow. Do you have any restrictions on availability?

Best, Sarah

Sent from my iPhone

On Jun 13, 2017, at 1:37 PM, Holmstead, Jeff < <a href="mailto:jeff.holmstead@bracewell.com">jeff.holmstead@bracewell.com</a> wrote:

I am sorry to be a pest, but I am leaving town on Thursday for a rafting trip in the Grand Canyon, and I won't have phone or email access from the 15<sup>th</sup> through the 23<sup>rd</sup>.

If you can spare a few minutes this afternoon or tomorrow, I would like to talk with you briefly about the case I mentioned to Mandy. If this doesn't work, perhaps we could arrange a time when the folks from Kinder Morgan could speak with you or perhaps meet with you in person while I am gone. There is some time pressure here because of the Court's briefing schedule.

The case involves a leak from a petroleum pipeline owned by Kinder Morgan (KM). The leak was discovered and repaired fairly quickly and was remediated under the supervision of the South Carolina environmental agency. There was no impact on any type of surface water. Two environmental groups (Upstate Forever and Savannah Riverkeeper) brought a CWA citizen suit against KM, alleging that KM had violated the CWA by discharging pollutants into the waters of the U.S. without an NPDES permit. They argue that a potential impact on groundwater qualifies as a discharge to waters of the U.S. because the groundwater is "hydrologically connected" to surface water, The District Court granted KM's motion to dismiss the case, in part because the judge found that any petroleum that may have made its way to the groundwater was not a discharge into the waters of the United States. The environmental groups have appealed to the 4th Circuit, which has not yet considered the

"hydrologically connected" issue, so it will be an issue of first impression in the  $4^{th}$  Circuit.

Given EPA's effort to redo the WOTUS rule, and the potential impact that a bad decision from the 4th Circuit might have on this effort, we thought that EPA might want to submit an amicus brief in this case.

Please let me know if you have a few minutes to talk with me this afternoon or tomorrow – or perhaps time to have a conference call or meeting with the experts from Kinder Morgan next week.

Thanks,

Jeff

From: Holmstead, Jeff

**Sent:** Friday, June 9, 2017 8:30 AM

To: Gunasekara, Mandy <<u>Gunasekara.Mandy@epa.gov</u>>
Cc: Greenwalt, Sarah <<u>greenwalt.sarah@epa.gov</u>>
Subject: Re: Thanks for taking the time to talk

Sarah,

I can imagine what your schedule must be like these days, but I'd love to talk with you when you get back from Italy. I leave for a long-planned family trip on Thursday, but I could talk with you any time before then.

Thanks,

Jeff

From: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Sent: Friday, June 9, 2017 7:22 AM

**To:** Holmstead, Jeff **Cc:** Greenwalt, Sarah

Subject: Re: Thanks for taking the time to talk

Hi Jeff,

Great catching up for a bit. I've CC'd Sarah who is the best person to connect with on water issues and a great person to know.

Sarah, Jeff is a former AA for Air in the Bush Administration and a great ally on all that we do. I hope you two can find a time to connect.

Best,

Mandy

Sent from my iPhone

On Jun 9, 2017, at 5:02 AM, Holmstead, Jeff <jeff.holmstead@bracewell.com > wrote:

I feel a bit guilty about bothering you in Italy. I hope it wasn't too late there when I called.

When you and your colleagues get back, I would love to have the chance to talk with Sara Greenwalt about the CWA case I mentioned to you. I am hoping you can make an introduction.

I am around next week and would love to talk with her -- and you, too, if you can spare the time, but I assume you're swamped with other things. I leave town on Thursday of next week, but my schedule until then is pretty flexible.

Thanks again for taking the time to talk with me. And good luck tomorrow. I will be very interested to hear how it goes. Jeff

### JEFF HOLMSTEAD

Partner <u>jeff.holmstead@bracewell.com</u> T: +1.202.828.5852 | F: +1.800.404.3970

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From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 6/14/2017 12:52:23 AM

To: Holmstead, Jeff [jeff.holmstead@bracewell.com]

CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Greenwalt, Sarah

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt.1

**Subject**: Re: Hoping to talk with you

Jeff - can you do a call tomorrow the 14th at either 4:30 or 5:00?

Alex

Sent from my iPhone

On Jun 13, 2017, at 8:32 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Jeff.

I just landed in D.C. Alex can set something up for tomorrow. Do you have any restrictions on availability?

Best, Sarah

Sent from my iPhone

On Jun 13, 2017, at 1:37 PM, Holmstead, Jeff < jeff.holmstead@bracewell.com > wrote:

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CWA by discharging pollutants into the waters of the U.S. without an NPDES permit. They argue that a potential impact on groundwater qualifies as a discharge to waters of the U.S. because the groundwater is "hydrologically connected" to surface water, The District Court granted KM's motion to dismiss the case, in part because the judge found that any petroleum that may have made its way to the groundwater was not a discharge into the waters of the United States. The environmental groups have appealed to the 4th Circuit, which has not yet considered the "hydrologically connected" issue, so it will be an issue of first impression in the 4th Circuit.

Given EPA's effort to redo the WOTUS rule, and the potential impact that a bad decision from the 4th Circuit might have on this effort, we thought that EPA might want to submit an amicus brief in this case.

Please let me know if you have a few minutes to talk with me this afternoon or tomorrow – or perhaps time to have a conference call or meeting with the experts from Kinder Morgan next week.

Thanks,

Jeff

From: Holmstead, Jeff

Sent: Friday, June 9, 2017 8:30 AM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov > Cc: Greenwalt, Sarah < greenwalt.sarah@epa.gov > Subject: Re: Thanks for taking the time to talk

Sarah,

I can imagine what your schedule must be like these days, but I'd love to talk with you when you get back from Italy. I leave for a long-planned family trip on Thursday, but I could talk with you any time before then.

Thanks,

Jeff

From: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

**Sent:** Friday, June 9, 2017 7:22 AM

**To:** Holmstead, Jeff **Cc:** Greenwalt, Sarah

Subject: Re: Thanks for taking the time to talk

Hi Jeff,

Great catching up for a bit. I've CC'd Sarah who is the best person to connect with on water issues and a great person to know. Sarah, Jeff is a former AA for Air in the Bush Administration and a great ally on all that we do. I hope you two can find a time to connect. Best, Mandy

Sent from my iPhone

On Jun 9, 2017, at 5:02 AM, Holmstead, Jeff < jeff.holmstead@bracewell.com > wrote:

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I am around next week and would love to talk with her - and you, too, if you can spare the time, but I assume
you're swamped with other things. I leave town on Thursday
of next week, but my schedule until then is pretty flexible.

Thanks again for taking the time to talk with me. And good luck tomorrow. I will be very interested to hear how it goes.

Jeff

## **JEFF HOLMSTEAD**

Partner <u>jeff.holmstead@bracewell.com</u> T: +1.202.828.5852 | F: +1.800.404.3970

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From: Holmstead, Jeff [jeff.holmstead@bracewell.com]

**Sent**: 6/9/2017 12:27:14 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

**Subject**: Re: Thanks for taking the time to talk

Thanks very much!. And thanks for fixing the spelling of Sarah's name in my email before you forwarded it to her. I did look her up on the EPA directory and also tried a quick google search, but I couldn't find her online.

Thanks again,

Jeff

From: Gunasekara, Mandy < Gunasekara. Mandy @epa.gov>

Sent: Friday, June 9, 2017 7:22 AM

**To:** Holmstead, Jeff **Cc:** Greenwalt, Sarah

Subject: Re: Thanks for taking the time to talk

Hi Jeff,

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Sarah, Jeff is a former AA for Air in the Bush Administration and a great ally on all that we do. I hope you two can find a time to connect.

Best, Mandy

Sent from my iPhone

On Jun 9, 2017, at 5:02 AM, Holmstead, Jeff < jeff.holmstead@bracewell.com > wrote:

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Thanks again for taking the time to talk with me. And good luck tomorrow. I will be very interested to hear how it goes.

Jeff

# JEFF HOLMSTEAD

Partner

jeff.holmstead@bracewell.com

T: +1.202.828.5852 | F: +1.800.404.3970

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#### Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

**Sent**: 5/30/2017 4:12:33 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

CC: patrick.traylor Personal Email / Ex. 6

Subject: Re: Reschedule

# Of course Patrick you can call my cell Personal Phone / Ex. 6

Sent from my iPhone

> On May 30, 2017, at 12:10 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

> Sorry but I'm in meeting and will not be available for 1230.

> Alex, can you escort Patrick up and help him get to Byron office by 1.

>

> Sent from my iPhone

ED\_002110\_00043676-00001

#### Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

Sent:

Donald K. Shandy [don.shandy@crowedunlevy.com]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange To:

Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

RE: Brief visit this week Subject:

Sounds good Don. I've put a hold on Mandy's calendar for Thursday, June 1, at 10:00AM and will send a calendar invite once I have confirmation on the room.

Correct - 1200 Pennsylvania Ave, NW. You can call Personal Phone Ex. 6 (my direct) for escort when you arrive.

```
Alex
----Original Message----
From: Donald K. Shandy [mailto:don.shandy@crowedunlevy.com]
Sent: Tuesday, May 30, 2017 2:27 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Brief visit this week
Thanks Mandy
Alex--Let's book 10am Thursday.
Depending on schedules, Joe Depew (Fitzgerald) and Brian Boynton (Wilmer) may also attend.
I assume we should check in at the same epa entrance as we did when we met with the Administrator a few
weeks ago, correct?
Best,
Don
Sent from my iPhone
> On May 30, 2017, at 1:56 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:
> Hi Don,
> Thursday would work - 9:30 or 10 am. Can you confirm either way with Alex (cc'd)?
> Best,
> Mandv
> ----Original Message----
> From: Donald K. Shandy [mailto:don.shandy@crowedunlevy.com]
> Sent: Tuesday, May 30, 2017 9:02 AM
> To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
> Subject: Brief visit this week
> Hi Mandy
> I will be in D.C. tomorrow (Wednesday ) and Thursday morning. Would you have time for me to stop by for
a 15-30 minute visit to discuss the document I sent you last week regarding the various options we see
moving forward?
> Thanks!
> Don
 Sent from my iPhone
```

#### Message

**From**: Schweitzer, Howard [HSchweitzer@cozen.com]

**Sent**: 5/1/2017 7:37:42 PM

To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject: Felman Follow-up

Attachments: Felman Submission.pdf; Eramet Submission.pdf

Hi Mandy,

Thanks so much for speaking with me on Friday. Attached are the requests from Felman and Eramet regarding the monitoring methodology. Did you get my voice mail with the other information you needed? Thanks so much.

Best regards, Howard

Howard Schweitzer
Cozen O'Connor, PC
Managing Partner | Cozen O'Connor Public Strategies, LLC
1200 19th Street, NW | Washington, DC 20036
P: 202.912.4855 M: 202.441.5075
Email | Bio | Linkedin | Map | cozen.com

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#### April 28, 2017

#### VIA OVERNIGHT MAIL AND EMAIL

Honorable Scott Pruitt, Administrator U.S. Environmental Protection Agency USEPA Headquarters
William Jefferson Clinton Building 1200 Pennsylvania Avenue, N.W. Room 3000
Washington, DC 20004
Pruitt Scott@EPA.gov

Mr. Steffan Johnson
Leader, Measurement Technology Group
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
(Mail Code E143-02)
Research Triangle Park, NC 27711
Johnson, Steffan@epa.gov

Re: Request for Approval of Alternative to Test Method; National Emission Standards for Hazardous Air Pollutants: Ferroalloys Production, 82 Fed. Reg. 5401 (January 18, 2017)

#### Dear Administrator Pruitt:

Pursuant to 40 C.F.R. §63.7(e)(2)(ii), Eramet Marietta Inc. ("EMI") hereby respectfully requests the Administrator's approval of an alternative to the performance test method specified at 40 C.F.R. § 63.1625(d)(1) for conducting shop building opacity observations at EMI's existing ferroalloy production facility in Marietta, Ohio. As explained in greater detail below, EMI requests approval to use EPA Test Method 9 (as set forth in 40 C.F.R. Part 60 Appendix A-4) in lieu of the ASTM D7520-16.

#### Introduction

EMI is subject to the National Emissions Standards for Hazardous Air Pollutants: Ferroalloys Production ("Ferroalloys NESHAP"), 40 C.F.R. Subpart XXX, promulgated at 80 Fed. Reg. 37366 (June 30, 2015), as amended at 82 Fed. Reg. 5401 (January 18, 2017). Under 40 C.F.R. § 63.1625(d)(1) of the Ferroalloys NESHAP, compliance with conducting shop building opacity standards is to be demonstrated using ASTM D7520-16, also referred to by EPA as the Digital Camera Opacity Technique or "DCOT." The applicable opacity standard is set forth at 40 C.F.R. § 63.1623(b)(3):

Unless you meet the criteria of §63.1623(b)(3)(iii), you must not cause the emissions exiting from a shop building to exceed an average of 8 percent opacity over a furnace or MOR process cycle.

- (i) This 8 percent opacity requirement is determined by averaging the individual opacity readings observed during the furnace or MOR process cycle.
- (ii) An individual opacity reading shall be determined as the average of 24 consecutive images recorded at 15-second intervals with the opacity values from each individual digital image rounded to the nearest 5 percent.
- (iii) If the average opacity from the shop building is greater than 8 percent opacity during an observed furnace process cycle, the opacity of two more furnace process cycles must be observed within 7 days and the average of the individual opacity readings during the three observation periods must be less than 8 percent opacity.
- (iv) At no time during operation may the average of any two consecutive individual opacity readings be greater than 20 percent opacity.

Under 40 C.F.R. §63.7(e)(2)(ii), the Administrator may approve the use of "an intermediate or major change or alternative to a test method (see definitions in §63.90(a)), the results of which the Administrator has determined to be adequate for indicating whether a specific affected source is in compliance...." The request generally follows the framework prescribed in 40 C.F.R. § 63.8(f)(4) for requests to use an "alternative test method." Under § 63.8(f)(2), the Administrator may approve "Alternatives to the American Society for Testing and Materials (ASTM) test methods or sampling procedures specified by any relevant standard..."

However, EMI notes that this framework is not strictly applicable to a request to use EPA's long-established Method 9, because EPA has already validated the requested method for use in conducting the sort opacity observations involved in this request. See 40 C.F.R. § 63.2 ("Alternative test method means any method of sampling and analyzing for an air pollutant that is not a test method in this chapter. . "). As a consequence, certain aspects of the alternative test method application — most notably, compliance with the alternative test method validation procedures of 40 C.F.R. § 63.7(f) — do not make sense in the context of this request to use a previously approved and widely used EPA test method. As EPA has stated in the context of a proposed alternative test method, the "principal criterion" is whether a proposed method is at least as stringent as the specified method:

The EPA Administrator or his authorized representative must be satisfied that the test method alternative will produce results adequate to determine compliance. In other words, the EPA Administrator or authorized representative, such as a State having delegated authority, generally must be assured that a test method change provides a determination of compliance status at the same or greater stringency as the test method specified in the applicable regulation.

<sup>&</sup>lt;sup>1</sup> Since this request involves the use of an entirely different opacity test method – EPA Method 9 – than that specified in the Ferroalloys NESHAP, it might also be treated as a "major change to test method," as defined in 40 C.F.R. § 63.90(a).

72 Fed. Reg. 4257, 4261 (January 30, 2007).<sup>2</sup> In this case, EPA has already reaffirmed that Method 9, which thousands of facilities across the United States currently use to demonstrate compliance with opacity standards, and which EPA has previously authorized EMI to use to measure the precise emissions involved in this request, is as accurate as ASTM D7520-16 in measuring opacity. "[W]e believe, based on validation studies that EPA Method 9 and [ASTM D7520-16] provide comparable opacity results. . . ." 82 Fed. Reg. 5401, 5404-05 (January 18, 2017); <sup>3</sup> see also, e.g., "Summary of Public Comments and Responses on the Proposed Reconsideration (81 FR 45089, July 12, 2016) of the Final Rule (80 FR 37366, June 30, 2015)" ("Response to Comments"), EPA-HQ-OAR-2010-0895-0341, at 6 (disagreeing with commenter's suggestion that "Method 9 is less accurate than DCOT" and stating that "both methods provide comparable measurements of opacity").

Indeed, EPA has treated Method 9 as the benchmark against which the accuracy of ASTM D7520-16 should be measured, describing ASTM D7520-16 as "an acceptable alternative to EPA Method 9..." *Id.* at 5407. The Ferroalloys NESHAP actually provides for the use of EPA Method 9 to certify the accuracy of ASTM D7520-16. See 40 C.F.R. § 63.1656(b)(7).

#### Information in Support of This Request

§63.8(f)(4)(i): Submit request at least 60 days before testing to demonstrate compliance with a standard.

EMI requests approval to use Method 9 to demonstrate compliance with the opacity standard set forth at 40 C.F.R. § 63.1623(b)(3), beginning June 30, 2017. This request is being submitted more than 60 days before the applicable testing will begin.

§63.8(f)(4)(ii): Description of proposed alternative monitoring system which addresses the four elements contained in the definition of monitoring in §63.2 and information justifying the request for an alternative monitoring method.

#### A. Name, location, and affected units

Eramet Marietta Inc. 16705 State Route 7 Marietta, OH45750-0299

<sup>&</sup>lt;sup>2</sup> See also "Requests for Approval of Alternatives/Modifications to Test Methods and Testing Procedures," EMC GD-022R4, Air Quality Assessment Division, OAQPS, EPA (April 21, 2014) ("EMC Guidance") at 2 (basic principles for review of request for major change to test method are (a) whether alternative method "will produce results adequate for the Administrator's determination of compliance" and (b) whether the change will "affect the stringency of the applicable regulation").

<sup>&</sup>lt;sup>3</sup> EPA previously mischaracterized EMI's August 25, 2015 petition for reconsideration of the requirement to use ASTM D7520-13 as a "request to allow EPA Method 9 as an alternative method for determining compliance." 82 Fed. Reg. at 5405. EMI's petition was expressly submitted pursuant to Section 307(d) of the Clean Air Act, 42 U.S.C. § 7607(d), and not as request for an alternative test method, whose provisions are not directly applicable to such a request.

#### B. Elements of Monitoring Under §63.2

#### 1. Indicator(s) of performance

EPA Method 9 provides direct measurement of opacity by trained and certified readers.

#### 2. Measurement techniques

EPA Method 9 uses direct visual observation of visible emissions opacity by trained and certified readers.

#### 3. Monitoring frequency

Consistent with the requirements of 40 C.F.R. §63.1623(b)(3), EPA Method 9 collects observations at 15-second intervals over the course of the prescribed monitoring cycle.

#### 4. Averaging time

Consistent with the requirements of 40 C.F.R. §63.1623(b)(3), EPA Method 9 bases individual opacity readings based on the average of 24 consecutive observations collected at 15-second intervals.

#### C. Information Justifying the Request

#### 1. Method 9 produces results adequate for the determination of compliance.

Method 9 is a Category A method approved by EPA Air Emission Measurement Center, promulgated in the Federal Register and codified in the Code of Federal Regulations.

Method 9 is a proven method and has been used since the mid-1970's at thousands of industrial facilities to demonstrate compliance with opacity standards established under state and federal air pollution law. EPA itself has asserted that Method 9 offers the same measurement capability as ASTM D7520 in the context of this rule: "We also agree that ASTM D7520 provides requirements adequate to read roof vents and those requirements are parallel to those of EPA Method 9. Therefore, there are no real differences in capability there." Response to Comments at 5 (emphasis added).

EPA recognized that Method 9 would be adequate for the determination of compliance when it asserted that Ohio EPA could use Method 9, and need not purchase DCOT, to independently assess EMI's compliance with the ferroalloy NESHAP's opacity standards "[State Agencies] will also be able to conduct EPA Method 9 readings which can serve as Credible Evidence if there are issues with the opacity being reported." Id. at 11 (emphasis added).

Similarly, Method 9 is already accepted by EPA Region 5 as an alternative to DCOT to demonstrate compliance in an enforcement context, as evidenced by the proposed consent decree lodged with the U.S. District Court for the Eastern District of Wisconsin in the enforcement

action captioned, *United States of America v. Maynard Steel Casting Company*, Civil Action No. 2:17-cv-00292. Section 2.2 of Appendix C to the proposed consent decree expressly provides the respondent with the option of using Method 9 in lieu of DCOT.

- 2. Use of Method 9 will not affect the stringency of the applicable regulation.
- 2.1. Ferroalloys NESHAP opacity standard was developed using Method 9

While EMI continues to believe that DCOT is not a reliable method to assess compliance with the roof vent opacity standards in the Ferroalloys NESHAP, EPA's own statements establish that Method 9 is at least as exact and rigorous as DCOT. Indeed, it would be impossible for Method 9 to decrease the stringency of the opacity standard in the Ferroalloys NESHAP, since that standard was developed, and presented in EPA's October 6, 2014 proposed rule, based on the express expectation that it would be enforced via Method 9. In that proposal, the opacity standard was designed to match Method 9's data collection protocol, with observations recorded at 15-second intervals (rounded to the nearest five percent) and averaged over six-minute blocks, and DCOT was presented only as an alternative to Method 9. Since EPA did not alter its Method 9-based opacity standard when replacing Method 9 with DCOT in the final rule, there is no rational basis for concluding that use of Method 9 would reduce the stringency of that standard.

#### 2.2. Use of Method 9 does not affect opacity monitoring exactness

DCOT has been developed to match the results of visual observation through Method 9. The digital camera used at a facility must be jointly certified with the analysis software by comparing DCOT results to visual observations made by certified Method 9 readers. See ASTM D7520-16 paragraph 9.2. "[T]here is no basis that the Agency is aware of for the statement that EPA Method 9 readers are inaccurate after 6 minutes and the commenter did not provide references to support that claim. We believe that the EPA Method 9 collaborative studies demonstrate that readers can observe for significantly longer periods of time on several types of sources." Response to Comments at 5.

2.3. Use of Method 9 does not affect opacity monitoring rigor

Method 9 procedures are applied by certified opacity readers. Certified readers are trained by Smoke schools, Smoke schools are quality controlled by EPA. Certified readers are trained every 6 months to keep their certification.

2.4. Use of Method 9 does not affect opacity monitoring objectivity

DCOT imposition is based on a misconception, the belief that DCOT is more objective because it supposedly removes human subjectivity in determining opacity: "With respect to the comments requesting supporting data to support EPA's position that DCOT provides more objective and better substantiated readings. We based this assessment on the fact that DCOT provides a record of every opacity observation and the opacity is measured using software algorithms to determine the contrast between the opacity and the background. We believe that

using software algorithms provides a consistent and objective determination of opacity, and removes any bias by the observer. .... Our position is that both methods provide comparable measurements of opacity, however DCOT provides a superior, objective record for its opacity measurements." Response to Comments at 6.

DCOT does not, remove human intervention: ASTM D7520-16 identifies multiple points where human judgment (and therefore possibilities for bias) is involved: "analysis software-software that when combined with a defined operating environment: (a) inputs images captured by the Digital Still Camera image capture devices: (b) produces opacity measurements from the combination of human interaction, open or proprietary calculations and algorithms and image content viewing; (c) and then output said opacity measurement along with Analysis Software's configuration, image source documentation and other environmental parameter." (Section 3.2.1) (emphasis added). "DCOT operator-refers to the human operating the DCOT system who records the digital still images with the Digital Still Camera and then determines plume opacity with the Analysis Software." (Section 3.2.4) (emphasis added). "A Digital Still Camera is used to capture a set of digital images of a plume against a contrasting background. Each image is analyzed with software that determines plume opacity by comparing a user defined portion of the plume image where opacity is being measured in comparison to the back ground providing the contrasting values." (Section 4.1) (emphasis added).

DCOT seemed to be preferred by EPA for being less dependent on human decision and, therefore, less subjective. DCOT does not remove subjectivity: the DCOT operator, in its role as software analyst must decide which portion of the plume to choose on the pictures and which portion of the picture represents the background; therefore, the analyst has to make two subjective decisions where the Method 9 certified reader makes one. Moreover the DCOT model offered by Virtual Technology LLC does not eliminate intervention by an employee of the facility, which seems to be a motivation of EPA in imposing DCOT. The integrity of EMI's Method 9 Certified Readers has not been questioned in all the years of EMI's use of Method 9. In any event, the Virtual Technology model requires that the customer conducts QA/QC of all pictures and flags out pictures with errors, which maintains a high level of human intervention.

#### 3. EMI is requesting the use of Method 9 for compelling reasons.

#### 3.1. DCOT has significant deficiencies.

DCOT IS UNPROVEN FOR ITS INTENDED USE: DCOT is unproven for the use specified in the Ferroalloys NESHAP. As described in detail in prior submissions, see EPA-HQ-OAR-2010-0895-320, 324, 326, 329, and 331-334, DCOT's suitability for the opacity measurements required in the Ferroalloys NESHAP was not validated by EPA following its own protocols. As a consequence, DCOT is being imposed on the manganese ferroalloys industry as a compliance test method although the technology and associated procedures did not undergo appropriate assessment during the rule development process.

DCOT SOFTWARE IS NOT FULLY DEVELOPED FOR ITS INTENDED USE: DOCS II, the DCOT software sold by Virtual Technology LLC, the sole vendor in the market, is not fully developed and it is not ready to meet the requirements of the Ferroalloys NESHAP. ASTM D7520-16 stipulates in paragraph 7.1., "The DCOT system is formulated into three distinct and severable

components: (1) Digital Still Camera, (2) Analysis Software and its associated computing platform, and (3) the output function." Section 7.1.3. describes the output function. In an email dated March 14, 2017, Virtual Technology's Shawn Dolan confirmed that no Ferroalloys NESHAP output function exists in a certified version of DCOS II. In a correspondence dated April 18, 2017, in response to EMI's March 7, 2017 Request for Quotation ("RFQ"), Mr. Dolan confirms that the output function includes the averaging calculations. He also writes: "the report desired for the NESHAP referenced will have to be generated, tested and certified. This output creation and certification is a long lead time item ... as the entire system will require recertification to produce the desired output." Note that in an earlier correspondence dated March 15 2017 in response to EMI's question about DCOS II readiness "can one extract from the analysis software a table with each single opacity value [...]to calculate averages", Mr Dolan had answered: "YES/NO, can extract into excel but averages calculated outside of DCOS II are not DCOT Output and violate certification, e.g. "Output" as defined in ASTM d7520-16,7.1.3."

DCOT SOFTWARE DEVELOPMENT CANNOT BE COMPLETED WITHOUT DETAILED SPECIFICATIONS FROM THE REGULATOR: DCOT's sole supplier is not able, based on the NESHAP rules, to program this part of the software. As recently as April 18, 2017, Mr. Dolan wrote: "the current NESHAP does not define the averaging report well enough to create a final output function to support the report and certify the resultant configuration." He also wrote: "The specific report and its associated certification however is dependent on proper definition which is controlled by [EMI] and the regulators associated."

#### 3.2. Meaningful improvements by using Method 9.

METHOD 9 ALLOWS IMMEDIATE CORRECTIVE ACTIONS: Method 9 certified readers in the facility who are also knowledgeable about the process, can have an immediate interaction with workers and supervisors operating the equipment. If an opacity observation indicates a trend toward exceeding the limits, quick action can be taken to resolve technical issues. This interaction is not achievable with a remote DCOT analyst that serves several customers, has no knowledge of the ferroalloys production process, and is not in real-time communication with operators. Dedicating a DCOT analyst at Virtual Technology to take charge of this interaction in real-time would be costly (if achievable at all) and far less effective than using the Method 9 certified reader.

Assuming DCOT was a proven technology for its intended use — which EMI still disputes — DCOT would be of no use to proactively respond to excessive fugitive emissions with a turnaround time of 45 minutes (time given by the sole vendor to EPA). EPA asserts in the Response to Comments: "The time estimate for performing and analyzing the images using DCOT was estimated by the vendor to take approximately 45 minutes depending on the contrasting background. We believe this is comparable to the amount of time required to calculate the 6-minutes average using EPA Method 9. The facility can always have a staff EPA Method 9 reader conduct informal readings and address problems in a timely manner if there are issues with the timeliness of DCOT opacity results". Id. at 14. EPA's statement inviting the use of a Method 9 reader is both a recognition that Method 9 is adequate for opacity reading and that Method 9 has a faster turnaround time. EMI's own experience in Method 9 reading throughout 2016 shows that Method 9 readers have a far quicker turnaround time than 45

minutes. DCOT as it works today is merely a tool for sanctions with no benefit for the environment.

METHOD 9 ALLOWS QUICK ADJUSTMENTS TO UNPREDICTABLE CHANGE IN MONITORING CONDITIONS: A method 9 certified reader can compensate for local weather issues such as change in wind velocity; such circumstances cannot be ruled out when observations are to be made over 60 to 120 minutes process cycles. A DCOT analyst cannot since he would base his weather assessment on data collected from the nearest National Weather Service Database in Parkersburg, Mid-Ohio Valley Regional Airport.

### 3.3. Method 9 provides a cost effective opacity monitoring method

Method 9 is cost effective while DCOT is an unnecessary regulatory burden, without any real benefit to the environment, that if maintained would constitute an economic hindrance to the ferroalloys industry for the following reasons:

DCOT'S HIGH UNPREDICTABLE INFRASTRUCTURE COST: DCOT'S sole supplier asserted in an email to EMI dated January 26, 2016 that EMI could not use a digital camera on a tripod to conduct opacity testing under the Ferroalloys NESHAP. Therefore, multiple fixed cameras mounted on poles or buildings would have to be installed to cover EMI's three shop buildings covered by the rule. In light of the unreasonable fee Virtual Technology LLC intended to charge just to respond to EMI's RFQ, EMI undertook a preliminary survey with a specialist well-versed with Method 9 and digital camera technology. The survey helped in determining camera locations that would comply with requirements for slant angle, distance, and sun angle over each process cycle throughout each year's 365 days for each of its 3 process buildings. Assuming observations are limited to morning sun angles, the preliminary cost estimate is a minimum of \$261,000, assuming a wired solution so as to secure a reliable electricity supply and fiber optic cable for reliable camera control and data transfer. The cost would be doubled if regulators require the capability to conduct observations during both the morning and afternoon. This cost was not reflected in the Ferroalloys NESHAP, and is not required with the use of Method 9.

DCOT'S UNPREDICTABLE IMPLEMENTATION COSTS: EMI estimates that the cost to implement DCOT will be in the range of \$410,000 per year if observations are limited to mornings, and \$671,000 per year if regulators expect observations to be made mornings or afternoon alike. This estimate does not account for the time that EMI's employees would have to spend on the implementation work to coordinate the project. Likewise this estimate does not account for the cost of obtaining system certification per ASTM D7520-16, which is a complete unknown. This estimate is based on the price list given by Virtual Technology in July 2015. It is worth outlining that only after EPA published its final action on EMI's petition for reconsideration, did the sole DCOT supplier inform EMI that these prices no longer applied and that the vendor was no longer publishing a price list. Finally, these estimates are based on EMI's own preliminary evaluation of the Output software development cost that will be priced by the supplier at \$250/hour once the specifications have been clearly defined for the programming to start. This cost is far in excess of what is required with the use of Method 9.

<u>DCOT'S UNPREDICTABLE OPERATING COSTS</u>: EPA's support for the use of DCOT is based, at least in part, on a significant underestimate of its cost to implement. "With regard to the cost

of DCOT, we estimated in the final rule that the cost of implementing the DCOT system would be approximately \$200,000 per year for the source category with weekly readings. However these costs decrease to about \$90,000 per year for the source category if the facilities do monthly readings per furnace building. We believe that this is a reasonable cost to ensure the process fugitive emissions are effectively captured." Response to Comments at 17.

EMI anticipates that the annual cost will far exceed EPA's estimate. EMI calculates that the operating costs for DCOT, if based on the 2015 Virtual Technology price list, will be in the range of a minimum of \$186,000 per year assuming (i) weekly observations and (ii) no need to repeat the weekly tests due to adverse and unpredictable weather conditions that would interrupt an observation already started. If the observations were reduced to once per month the estimated cost is in the range of a minimum of \$50,000 per year with the same assumptions. It is important to outline, however, that the DCOT sole vendor no longer publishes a price list and has indicated the 2015 price list is no longer applicable. This estimated annual DCOT cost does not include necessary EMI personnel costs. The EMI personnel costs to perform opacity readings will remain the same as for Method 9, since the time that EMI's employees will have to allocate to the collection of opacity images for DCOT is at least as high as when conducting Method 9 observations. The Virtual Technology DCOT model requires that the QA/QC responsibility remains with the customer, who must review all pictures and opacity results. See also ASTM D7520-16 in 3.2.6; "All of the digital images obtained by a DCOT system shall be reviewed by a qualified human DCOT operator to assess if the digital images are acceptable (for example no obvious error in the digital images)." In addition, EMI will have to bear the cost to ensure surveillance and maintenance of the cameras, to keep them clean of any obstructions and to check that they have not been misaligned or damaged by adverse weather conditions.

EPA predicted "We also believe that more state and local rules will require DCOT for the determination of opacity, which will provide incentive for competitors to enter the market place" response to comments at 14. It is worth outlining that in the 2 years since the Ferroalloys NESHAP rules were published, no competitor to Virtual Technology has emerged that would allow EMI to negotiate prices for DCOT implementation and operation.

#### D. Other Agency Contacts

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#### Conclusion

The opacity standard in the Ferroalloys NESHAP was developed with the express expectation that it would be enforced via Method 9, just as comparable emission standards have been and are enforced at facilities throughout the United States. In specifying DCOT in the final rule, EPA did not identify any unique characteristics of fugitive particulate emissions from ferroalloys production that rendered Method 9 unsuitable or unreliable for enforcing the rule's opacity standard. Indeed, to certify DCOT for use at EMI's facility in accordance with ASTM standards, EMI would need to demonstrate that DCOT accurately replicated Method 9 measurements. As EPA continues to recognize as valid, reliable test method for enforcement of opacity standards like the standard in the Ferroalloys NESHAP, Method 9 clearly satisfies the criteria set forth in EMC GD-022R4 for approval as an alternative test method.

Respectfully submitted,

Laure Guillot
Chief Executive Officer

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April 28, 2017

#### VIA OVERNIGHT MAIL AND EMAIL

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United States Environmental Protection Agency
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Re: Felman Production LLC

Request for Approval of Alternative Monitoring Method

Dear Mr. Johnson:

Pursuant to 40 C.F.R. § 63.8(f), Felman Production LLC ("Felman") respectfully requests approval to use Method 9 for its required opacity observations under the Ferroalloys NESHAP, 40 C.F.R. Part 63, Subpart XXX.

Name, location, and affected units

Felman Production 4442 Graham Station Road Letart, WV 25253

The standard in question involves the measurement of shop building opacity; the affected units include all operating units within the shop building that contribute to shop building opacity, including furnace operations, tapping, casting, raking, skimming, as well as miscellaneous equipment operation.

Applicable federal testing requirement at issue

The Ferroalloys NESHAP requires facilities to conduct an initial compliance demonstration for the shop building opacity standards, followed by weekly or monthly

Washington, D.C. Maryland New York Massachusetts New Jersey Texas California

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observations to demonstrate ongoing compliance with these standards. 40 C.F.R. § 63.1625(d). The NESHAP requires that all of these tests and observations be conducted pursuant to ASTM D7520-16, using a DCOT camera system. *Id.* § 63.1625(b)(9). The DCOT system must record images at 15-second intervals, with each individual digital image rounded to the nearest 5 percent; an individual opacity reading is the average of 24 such consecutive images, and compliance with the 8% opacity standard is determine based on the average of all such readings over the course of an entire furnace process cycle (approximately 90-120 minutes). *Id.* § 63.1623(b)(3). In addition, the NESHAP requires that no two consecutive 6-minute observation sequences exceed 20% opacity. *Id.* 

Section 63.7(e)(2) allows EPA to approve "an intermediate or major change or alternative to a test method (see definitions in §63.90(a)), the results of which the Administrator has determined to be adequate for indicating whether a specific affected source is in compliance"; Section 63.8(f)(2), in turn, allows the Administrator to approve "alternatives to any monitoring methods or procedures of this part," including "Alternatives to the American Society for Testing and Materials (ASTM) test methods or sampling procedures specified by any relevant standard[.]" Because the Ferroalloys NESHAP requires the use of DCOT for both the initial compliance demonstration and ongoing compliance monitoring, both provisions are applicable here.

Section 63.8(f)(4) sets forth the process for submission and approval of such requests. Felman's request generally follows the criteria set forth in that Section, as well as in the guidance that EPA has issued for submission of such requests. *See* Emission Measurement Center Guideline Document 022, "Requests for Approval of Alternatives/Modifications to Test Methods and Testing Procedures" (Apr. 21, 2014). Please note, however, that these criteria are not all relevant to the current request, as they assume that the alternative test method has not already been validated. *See* 40 C.F.R. § 63.2 (definition of "alternative test method"). Because Method 9 has already been validated and demonstrated to be at least as stringent as DCOT – in fact, the NESHAP specifically requires use of Method 9 to certify the accuracy of the device under ASTM D7520-16, *see* 40 C.F.R. § 63.1656(b)(7) – Felman has not submitted substantial technical data on this point.

#### Description of the alternative test method

Felman requests approval to use 40 C.F.R. Part 60, Method 9 for the initial compliance demonstration and ongoing monitoring requirements discussed above, in lieu of ASTM D7520-16 and DCOT. Section 63.2 defines "monitoring" to include four components: (1) an indicator of performance (*i.e.*, the parameter used to demonstrate proper operation); (2) the measurement techniques to be used; (3) the monitoring frequency; and (4) the averaging time. Method 9 meets all of these criteria.

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- 1. Indicator of performance: Method 9 provides a direct measurement of opacity by certified readers. ASTM D7520-16 uses certified readers to measure opacity as recorded in a digital image.
- 2. Measurement techniques: Both Method 9 and ASTM D7520-16 rely on trained, certified readers to detect and quantify opacity based on a specified scale. Method 9 allows for direct measurement of opacity *in situ*; ASTM D7520-16 requires that images be recorded and then transmitted over the internet for off-site analysis, using the same scale.
- 3. Method 9 provides for observations at 15-second intervals over the course of the monitoring period, as required by 40 C.F.R. 63.1623(b)(3).
- 4. The averaging time for any particular standard is set by that standard itself. Under the NESHAP, this includes averaging 24 consecutive 15-second observations into a 6-minute reading to assess compliance with the 20% standard, and then averaging these six-minute averages over the course of a furnace process cycle to evaluate compliance with the 8% standard. *Id.* Again, Method 9 generates observations that meet these criteria.

Justification for alternative testing procedure

Method 9 has been the "gold standard" for opacity observations for decades; it is a "Category A" method that has been thoroughly reviewed and approved by EPA's Air Emission Measurement Center and codified in the Code of Federal Regulations. In fact, EPA initially proposed to require the use of Method 9 under the Ferroalloys NESHAP; when the Agency elected instead to compel the use of DCOT, it did so only after expressly finding that DCOT was capable of providing opacity readings "comparable to Method 9." 80 Fed. Reg. 37366, 37385 (June 30, 2015); 82 Fed. Reg. 5401, 5404-5 (Jan. 18, 2017) ("we believe, based on validation studies, that EPA Method 9 and [ASTM D7520-16] provide comparable opacity results").

Accordingly, use of Method 9 will produce results adequate for the Administrator's determination of compliance, and the change in the testing method will not affect the stringency of the underlying regulation. Indeed, the use of Method 9 could not affect these factors, as the opacity standard in the Ferroalloys NESHAP itself was developed on the assumption that compliance would be determined via Method 9, and EPA evaluated DCOT specifically to confirm that that approach was capable of meeting the data collection protocol set forth in Method 9.

While Method 9 has been demonstrated to be just as accurate and reliable as DCOT, the use of DCOT raises significant problems. At the outset, and as previously noted in Felman's various comments during the Ferroalloy NESHAP rulemaking and reconsideration process, Felman remains concerned that DCOT has not yet been fully validated following EPA's standard protocols for approving test methods for general use. However, since the time that EPA elected

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to require the use of DCOT, additional information has come to light indicating that DCOT raises several issues that were not known to EPA or Felman at the time the DCOT obligation was promulgated. The most significant of these issues include:

- The vendor has indicated that the software and hardware necessary to take readings correlated to the specific opacity standards set forth in the Ferroalloys NESHAP and interface the camera system to the internet for off-site reading does not yet exist and cannot be developed by the NESHAP's June 30, 2017 compliance deadline.
  - O Under ASTM D7520-16, a valid DCOT system must contain three specific components; the third of these is the "output function." ASTM D7520-16, ¶ 7.1. The sole approved DCOT vendor has confirmed that the currently-certified version of its software does not yet contain an output function.
  - Part of the output function includes calculating averages to evaluate compliance with the NESHAP. The vendor has stated that he has not yet been able to program the software to make these calculations due to lack of clarity in the existing regulations.
  - The vendor has stated that correcting these issues, completing the software, and recertifying the DCOT system for this application is a "long delivery item" that cannot be achieved by June 30.
- The vendor no longer offers a portable system that can be moved to the appropriate location and read on-site through a laptop computer. Instead, the only system currently offered involves fixed-location cameras that would send the images to a certified reader located off-site, who would review the images as his workload allows and then prepare and send a report back to the site. This new system will not allow the DCOT cameras to be moved and adjusted to mirror the position and sun location requirements set forth in Method 9, which raises significant questions about the extent to which these readings would be as consistent and reliable as Method 9.
  - A Method 9 Reader can compensate for issues such as changing wind velocity that would invalidate fixed-camera observations of opacity during the 2-hour observation period. The DCOT Vendor would be restricted to data from the nearest location in the National Weather Service database.
  - Furthermore, the delays in sending the images off-site for processing will prevent the facility from identifying and responding to an opacity exceedance in a timely manner, as is routinely done with Method 9.

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- The reliance on the fixed-camera system will further interfere with the ability of State and EPA personnel to perform their own independent observations using the regulatory monitoring method, as they do now under Method 9.
- The DCOT system has proven far more costly than EPA anticipated; Felman's current
  estimates range from approximately \$200,000-\$500,000 per year solely for image
  processing. If DCOT remains the exclusive method by which compliance with the
  NESHAP is determined, EPA and state compliance and enforcement personnel would
  presumably incur similar costs in order to license and employ their own systems to assess
  compliance with the NESHAP.

For further information on these issues, please see the attached Petition for Reconsideration filed by Felman.

Names, addresses, and emails for responsible state, local, and EPA Regional contacts

#### **EPA**

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#### West Virginia

William F. Durham Director, Division of Air Quality 601 57<sup>th</sup> St. SE Charleston, WV 25304

Requestor name, address, telephone number, and email address.

The undersigned makes this request on behalf of Felman Production, LLC. Please contact me at the above address with any further questions.

Steffan Johnson April 28, 2017 Page 6

Sincerely,

Laura K. McAfee

J. Abramson, EPA Region 3 W. Durham, WV DAQ CC:

Encl.



Laura K. McAfee 201 North Charles Street Suite 2210 Baltimore, MD 21201-4150 Direct:(410) 230-1330 Fax:(410) 230-1389 Imcafee@balaw.com

April 13, 2017

#### VIA OVERNIGHT MAIL AND EMAIL

Honorable Scott Pruitt
Administrator
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue NW
Room 3000
Washington, DC 20004
Pruitt.Scott@epa.gov

Re: Felman Production LLC Petition for Reconsideration and Request for Stay National Emissions Standards for Hazardous Air Pollutants: Ferroalloys Production, 80 Fed. Reg. 37366 (June 30, 2015) and

82 Fed. Reg. 54016 (January 18, 2017)

Dear Administrator Pruitt:

Pursuant to Section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. § 7607(d)(7)(B), and Section 4(e) of the Administrative Procedure Act, 5 U.S.C. § 533(e), Felman Production, LLC "(Felman") respectfully petitions for reconsideration of portions of the above-referenced final agency actions (the 2015 adoption of the Ferroalloys NESHAP (the "NESHAP"), and the 2017 denial of reconsideration of certain portions of the NESHAP (the "Reconsideration")), and for a stay of the effective date of that action pending completion of reconsideration. Specifically, Felman petitions for reconsideration of the portions of these actions that require Felman to monitor shop building opacity using digital camera opacity technique ("DCOT"), as set forth at 40 C.F.R. § 63.1625(d). Since the publication of these actions, additional information has come to light that was not available during the Agency's initial review of the DCOT obligation; this new information demonstrates that the Agency's decision to compel the use of DCOT was predicated on misunderstandings and misconceptions about the availability and cost of the DCOT system. Felman therefore requests that EPA reconsider this obligation in light of these new facts.

<u>Background.</u> Felman is one of only two remaining US-based producers of ferroalloys. Both Felman and its remaining competitor, Eramet Marietta Inc. ("EMI") have objected to the

Washington, D.C. Maryland New York Massachusetts New Jersey Texas California

Honorable Scott Pruitt April 13, 2017 Page 2

use of DCOT since EPA first proposed its use. When the final NESHAP compelled the use of DCOT, Felman and Eramet both challenged this requirement in court and petitioned for reconsideration, citing a number of technical and cost concerns. While EPA initially granted reconsideration on this issue, the Agency subsequently used the reconsideration process merely to supplement the entirely deficient record and did not substantively review or re-evaluate the appropriateness of DCOT. Accordingly, when EPA issued the Reconsideration ruling above, Felman and EMI once again challenged that decision in court.

Since the Reconsideration decision, however, Felman has also been working diligently to attempt to obtain a firm quotation from the sole source of DCOT technology, in an attempt to comply with the rule. Those negotiations have proved to be extremely difficult, as the vendor has refused to provide a quotation until Felman agrees to pay \$2,500 per day, for an entire week, simply to visit the site to prepare a proposal. However, the limited information that Felman has been able to obtain indicates that many of the assumptions on which EPA based its determination are incorrect. Several of the most significant concerns include:

- A viable DCOT system does not yet exist and may not by the NESHAP compliance deadline. While the DCOT vendor has indicated that a system exists that meets the requirements of ASTM D7520-16, the vendor has also stated that this system has not yet been modified to work at a ferroalloy facility. The vendor has further indicated that they would need to develop an application to incorporate the NESHAP compliance obligations; that the vendor expects Felman and EMI to pay to develop this application for their own facilities; and that this application may not even be completed by the June 30 NESHAP compliance deadline. Felman has been unable to obtain a quote for the software development costs or the costs to interface the camera system to the internet.
- The DCOT system offered by the vendor has changed. The early version of DCOT provided a portable, tripod-mounted camera, which could be placed in the appropriate location, with the images processed via software on a laptop. Since the Reconsideration, however, Felman has learned that the DCOT vendor no longer offers this option. Instead, the vendor now proposes the permanent installation of one or more fixed cameras in locations that would allow all areas of the facility to be observed. The pictures from these cameras would be sent over the web to a certified DCOT reader (who we understand is currently located in in Sri Lanka), who would review the images and prepare a report noting the average opacity over the timeframe in question. This new system poses many new concerns, including:
  - Oconsistency with Method 9. To ensure that opacity observations are accurate, Method 9 imposes significant restrictions on the specific location from which an observation may be made, so that the reader is at the proper angle to both the sun and the emissions source. Fixed cameras cannot be moved to the appropriate sun

Honorable Scott Pruitt April 13, 2017 Page 3

angle and position and thus cannot ensure the same repeatable, accurate observations that meet Method 9 criteria.

- O Delays in response time. A Method 9 reader is present at the facility and can immediately alert facility personnel to take corrective action upon the detection of excess opacity. Under the new system, facility personnel must wait until the images are sent overseas, reviewed, and the report is received. Furthermore, there is no guarantee that the observer will be available when the observations are received; indeed, he may have other readings to review, and the speed of the response may depend on his workload. While EPA assumed that the facilities could themselves purchase their own licenses and analyze the images on-site, the vendor has indicated that it no longer issues licenses for such on-site analysis.
- <u>Third-party enforcement.</u> The initial DCOT system, as described, was more expensive than Method 9, but could be independently licensed, purchased, and used by state and federal regulators to independently assess a facility's compliance. With a fixed camera system, on the other hand, these independent inspections will necessarily be limited to the fixed equipment already installed onsite by the facility.
- <u>The estimated costs are significantly higher than EPA assumed.</u> As discussed above, Felman has to date been unable to obtain even a firm quote from the DCOT vendor. However, the information that has been provided suggests that both installation and operating costs will be much more significant than EPA anticipated. This includes:
  - \$15,000-\$25,000 to develop quote (\$2500/day x 5 days on-site, \$500/day travel, \$1000/day off-site to develop quote, and travel expenses with 10% markup)
  - \$25,000-30,000 for installation and certification, assuming two cameras are sufficient to capture all openings (2 cameras x \$3750 per camera for installation and \$5000 each for certification; 2 Quality Assurance Employees x \$5000 each for certification).
    - Hardware costs to interface the cameras to the internet for off-site analysis are unknown and not included in this estimate, as the vendor has refused to provide a quote before the paid site visit discussed above.
  - \$8,000-\$32,000 per month for offsite image analysis (2 cameras x 2-hr runs x 4 runs/month x \$50-200 per each 6-minute segment), assuming (i) standard turnaround time (no "rush" readings) and (ii) no poor image quality or repeat analyses required. Again, the vendor will not quote a specific price for the analysis of each 6-minute photo segment without a paid site visit.

Honorable Scott Pruitt April 13, 2017 Page 4

- The vendor has suggested that the site could pay an unspecified premium for "expedited" analysis to provide a more prompt response to potential exceedances, or that a "dedicated analyst" could be provided for an additional \$150,000 per year.
- Additional site implementation costs, including licensing of the system for on-site QA of the images, employee training, and the time necessary to convert the observers' reports into the information and format required for the periodic NESHAP compliance reports.
  - Note that the DCOT vendor offers only image analysis and does not currently offer a mechanism by which those results can be reported as required by the NESHAP and Title V.

In sum, Felman estimates that installation of DCOT will cost \$40,000-\$55,000, plus an additional as-yet-unknown figure to allow the images to be transferred to and from the facility; implementation of this system will likely cost between \$200,000-\$500,000 per year. These costs are significantly above the \$4900 installation costs and \$24,300 annual costs EPA initially assumed Felman would incur when the Agency decided to compel the use of DCOT. *See* "Economic Impact Analysis (EIA) for the Manganese Ferroalloys RTR" (EPA May 2015) at 4-17.

The brief summary of issues above has been prepared from extensive correspondence with the vendor, which is similar to (and in some cases identical to) the correspondence described in EMI's petition for reconsideration. The most relevant emails are included as Attachment A; please let us know if additional information on any of these issues would be helpful to your decision.

For all of these reasons, Felman respectfully requests that you grant its petition for reconsideration and stay.

Sincerely,

Laura K. McAfee

From:

SHAWN DOLAN <sdolan50@msn.com>

Sent:

Monday, January 09, 2017 6:59 PM

To: Cc: Wayyne Appleton SHAWN DOLAN

Subject:

RE: Digital Camera Opacity Technique

Wayyne, sorry we dropped the call. Averaging is performed as desired by the customer to meet the regulatory requirement. This is a software product and thus any kind of averaging that can be defined in an equation can be performed. At this stage based on my read of the NESHAP, your industry would want the "Tapping Cycle" to be as long as possible to stay below the 8% for a "cycle" and thus the issue is making sure the (2, 6 min, consecutive) averages do not exceed 20% (each).

Per my correspondence with Carrie previously, I would get a VT person on site, perform an observation of this tapping cycle (before you finalize the reporting requirement) cut up the data in a way we have confidence that compliance can be reproduced and submit that report to the EPA for approval. The averaging times will make all the difference, not the method used to read the opacity.

Note custom reporting like we are talking about here is a long lead time item given that I have to recertify everything when I change a "standardized" component of DOCS II. We can expedite the recertification but that drives cost. So sooner is definitely less expensive.

Shawn Dolan 801 309 3626

From: Wayyne Appleton [mailto:wappleton@fpiwv.com]

Sent: Monday, January 9, 2017 11:24 AM

To: 'SHAWN DOLAN'

Subject: RE: Digital Camera Opacity Technique

I have a question about the new NESHAP and DCOT monitoring. The new NESHAP specifies an average opacity limit of 8% and a maximum of 20% opacity for two 6 minute periods during the tapping cycle. How does your DCOT system generate an "Average Opacity" measurement? Is this a software driven thing? Is this manually driven by the user sending in multiple sets of data to your website on a scheduled basis? How does this work?

My concerns about this process is that EPA, by setting an 8% average opacity limit, is creating both mechanistic issues and also raises questions about the statistical validity of the measurement process. As I read ASTM D7520-16, the 95% CI reliability and reproducibility of your method is not significantly better than Method 9 at that level of emissions and the 95%CI for a smoke school generated 15% opacity is 4-26% (ASTM D7520-16 page 6). With this in mind, even taking daily readings would not allow one to reliably ensure that the average opacity was no higher than 8%. (Even if we arbitrarily assume that the actual precision is better than the published data and use half of the published statistical reproducibility numbers, the 95%CI for 8% would still indicate that the facility was frequently exceeding the standard even when the actual emissions were always acceptable). Since the document issued December 29, 2016 requires submission of only one DCOT measurement weekly, I don't see how DCOT addresses the issue. Very specifically, how does your product establish what the "average opacity" is for multiple emission points on a facility and over a monthly period? My concern is that this is a more complex issue than measuring opacity for fixed stacks and determining

whether there is an exceedance of the 20% opacity standard at a specific time and location. Taking multiple runs for multiple emissions points gets to be very expensive quickly.

I'm hoping you can respond to my questions and show me the errors in my thought process.

From: SHAWN DOLAN [mailto:sdolan50@msn.com]

Sent: Friday, January 06, 2017 3:57 PM

**To:** Wayyne Appleton < wappleton@fpiwv.com > **Subject:** RE: Digital Camera Opacity Technique

Presents from last years EUEC, 4CEHS, AWMA, NACCA, conferences.

Great to speak today look forward to working with you.

Shawn Dolan 801 309 3626

From: Wayyne Appleton [mailto:wappleton@fpiwv.com]

Sent: Thursday, January 5, 2017 11:20 AM

To: 'SHAWN DOLAN'

Subject: RE: Digital Camera Opacity Technique

Tomorrow would be good

From: SHAWN DOLAN [mailto:sdolan50@msn.com]

Sent: Thursday, January 05, 2017 1:13 PM
To: Wayyne Appleton < wappleton@fpiwv.com > Subject: Re: Digital Camera Opacity Technique

Look forward to speaking again. I am just leaving the keys from holiday vacation heading back to az. I'll try to call ya from the airport or tomorrow I'm open and will be in mountain time 8-8 thanks

Shawn

8013093626

Sent from my Verizon Wireless 4G LTE DROID

#### Wayyne Appleton < wappleton @fpiwv.com > wrote:

I need to start discussions with you about the DCOT technology, equipment and training. We will need an updated quote in the very short term to begin the discussions with the management in Miami on "path forward" items in regard to the NESHAP requirements. I downloaded the ASTM Method D7520-16 yesterday and plan to spend time reviewing it today.

Today is fairly busy for me. Can I arrange a call with you either tomorrow (Friday 1/6) or early in the coming week? My cell number is 304-561-4198.

From: Shawn Dolan [mailto:sdolan50@msn.com]
Sent: Wednesday, October 26, 2016 3:46 PM

To: wappleton@fpiwv.com

Cc: 'Shawn Dolan' <<u>sdolan50@msn.com</u>>
Subject: Digital Camera Opacity Technique

Hello sir,

I would like to introduce myself.

I am the President of Virtual Technology LLC, which currently is the only provider of certified Digital Camera Opacity Technique (DCOT) systems. Our flagship product the Digital Opacity Compliance System Second Generation (DOCS II) is far and away the industry leader in opacity measurement, specifically when it comes to long observation durations. Our customers speak to the reductions in manpower cost associated with the use of monitoring cameras as well as the increase in product quality. As our customers say "On the world stage during the resent Olympics and not a single complaint, thank you DOCS II".

As you know we did a significant amount of demonstrations and presentations with your facility back in 2014, and 15. I always heard good feedback from the participants and I provided quotes as desired.

What do I need to do to move this forward. I look forward to helping Felman Production reduce costs and increase sustainability.

Shawn Dolan President Virtual Technology LLC 888 872 3836 From:

SHAWN DOLAN <sdolan50@msn.com>

Sent:

Tuesday, February 14, 2017 7:05 PM

To:

'Wayyne Appleton'

Cc:

SHAWN DOLAN

Subject:

Thanks

Always great to speak with you Wayne.

DCOT's require certification which is expensive and time consuming.

The saying that 9 women cannot make a baby in a month. Comes to mind.

At any rate I want to get started as soon as possible on the Ferro Alloy NESHAP reporting model of the DOCS II DCOT. I know I have told the management at ERAMET and Feldman this is a long lead time item. July is a short time away.

Maybe ERAMET and FELDMAN would be best served by simply licensing the DCOT technology base and implementing it as they feel is best for their specific use? This option is available at the moment but may not be for long.

Shawn Dolan 801 309 3626 From:

SHAWN DOLAN <sdolan50@msn.com>

Sent:

Monday, March 13, 2017 11:58 PM

To: Cc: 'Wayyne Appleton' SHAWN DOLAN

Subject:

DOCS II quote/price sheet from 2014

Attachments:

DOCS II Pricing Felman Production Inc.xlsx

This was the price sheet 2 years ago. The cost of sale here has grown exponentially, I no longer publish prices

On-site consulting fee is \$2500/day, will you ask your customers, if they will send VT LLC their consulting engagement contract, and vendor set up and Ill generate you a quote for a week on-site measuring from various positions on site, observing the process and experimenting with different start and stop time parameters. 5 days = \$12,500 and we monitor the site from various positions and at various times for a week, together we determine the best path forward for determine the best path forward with regards to a DCOT. We will uncertified cameras, you will know what the probability of all the improvements being a success is and you can get the defined monitoring protocol into the permit now.

Then we can work through the purchase and certification of the right cameras and the automation of the reports per the RFP you sent me.

Flare Watch for 150K/yr monitoring Flares 24/7/365, will soon be grad students from around the world.

This is all about who takes the pictures, when and where, how good they are and how repeatable they are when it comes to cost. So human hand held is the most expensive and fixed camera on a specific spot least expensive.

DCOT is your friend, it is a good thing because it eliminates variability, is repeatable and reproducible. Humans are not. With the repeatability the rest of the tuning is easy because we have consistency in measure.

Shawn Dolan 801 309 3626 DOCS II Price Quote For:

Felman Production Inc. Carri Tucker (304) 834-8994 ctucker@fpiwv.com

# Digital Opacity Compliance System Second Generation (DOCS II) Confidential Virtual Technology LLC all rights reserved www.Virtuallc.com 888 872 3836

Single User Field Data Collection, ALT DOCS II Software as a Service, Cloud Hosted		•	-		
DOCON SOFTWARE AS A SCIENCE, COMMITTOSICA	Number				
Description	Unit	Cost	Required	Sub Total	Note
DOCS II SaaS Account, 1 User Subscription*	ea.	\$995.00	1	\$995.00 Ann	ual
DOCS II VEE Data Collection Training**	ea.	\$495.00	1	\$495.00 Once	e
DOCS II Storage and Retrieval/100 records	ea.	\$49.00	1	\$49.00 Anni	ual
ALT 082 Certified Opacity ((6 minute Avg., (24 images)) (500+ Tier))	ea.	\$25.00	4	\$100.00 On [	Demand
Service Start up Cost w/4 (24 image) VEE's (Req.s Web access and Cameras)		*	***************************************	<b>\$1,639.00</b> Plus	Cameras
*Includes Android Field Data Collection Application					
**Training Fee includes first year DOCS II SaaS Account with Android Field Da	ta Collection App	olication			
***To maintain ALT 082 certification, each trained/certified user must submi	t 1 observation/c	quarter = 4/Ye	ar		
				\$1,144.00 per	year
Requires a came	a from the list be	elow		•	-

DOCS II SOftware as a Service, Cloud nosted Opa	pacity Determination Service, Camera Enabled				
Description	Unit	Cost	Required	Sub Total	Note
DOCS II SaaS Account, 10 simultaneous User Subscription*	ea.	\$4,995.00	1	\$4,995.00 Annu	al
DOCS II VEE Data Collection Training** (10 Users)	ea.	\$495.00	10	\$4,950.00 Once	
DOCS II Storage and Retrieval/100 records (10 Users)	ea.	\$49.00	10	\$490.00 Annua	al
ALT 082 Certified Opacity ((6 minute Avg., (24 images)) (500+ Tier)) (10 X 4 = 40)	ea.	\$25.00	40	\$1,000.00 Annua	al
Service Start up Cost w/40 VEE's (Req.s Web access and Cameras)	<b>\$11,435.00</b> First year****			ear****	
*Includes unlimited number of Android Field Data Collection Application					
**Training Fee includes first year DOCS II SaaS Account with Android Field Data (	Collection Ap	plication			
***To maintain ALT 082 certification, each trained/certified user must submit 1	observation/	quarter = 4/Ye	ear		
				\$6,485.00 per ye	ear
Requires cameras fr	om the list be	elow			

Description	Unit	Cost	Required	Sub Total	Note
Field Data Collection Platforms	namenana and a second a second and a second				
Android smart phone (DROID 4) with 1 year data plan *	ea.	\$999.00	0	\$0.00 Annual	
Android Tablet (Samsung Galaxy) with 1 year data plan*	ea.	\$799.00	0	\$0.00 Annual	
DOCS II Certified Cameras			100000000000000000000000000000000000000	***************************************	
VIVOTEK IP Weather Dome 83	ea.	\$3,750.00	0	\$0.00 Once	
ong Range (Nikon D3200 w/300mm Lens)**	ea.	\$799.00	0	\$0.00 Once	
General Purpose (Cannon G-15)**	ea.	\$699.00	0	\$0.00 Once	
Infrastructure Investment Cost			•	\$0.00	
Optional Camera Equipment					
ntervalmeter, auto trigger camera (pictures every 15 sec. for 6 min.)	ea.	\$69.00	0	\$0.00 Once	
EyE-Fi Mobi Card, wireless transmit of pictures from camera to phone	ea.	\$59.00	0	\$0.00 Once	
Fripod, stabilize the camera during observation	ea.	\$59.00	0	\$0.00 Once	

∨isible Emission Evaluation, Opacity Determination Service, Fee Structure*  DOCS II Software as a Service, Opacity Laboratory Services					
DOCS II SORWARE AS A SERVICE	e, Opacity Labor	ngagagangayangananananananananananananan			
Description	Unit	Cost	Required	Sub Total	Note
CA Method 9 Certified Opacity (high 6 min. Avg. in 1 hour (240 images)	ea.	\$100.00	0	\$0.00 On I	Demand
ALT 082 Certified Opacity (6 minute Avg., (24 images))	ea.	\$25.00	0	\$0.00 On D	emand
Method 203c Certified Opacity (3 minute Avg., (12 images))	ea.	\$22.00	0	\$0.00 On D	emand
Method 203b Certified Opacity (3 min. above in 30 min. (120 images))	ea.	\$75.00	0	\$0.00 On D	emand
Method 203a Certified Opacity (User select images for average (24 images))	ea.	\$55.00	0	\$0.00 On D	emand
Method 22 Opacity Reading (Single image, (20 reading Block))	ea.	\$100.00	0	\$0.00 On D	ernand
Method 22 Opacity Reading, (1 image)	ea.	\$7.00	0	\$0.00 On D	emand
Sub part 000 Dust (Rolling High (24 images))	ea.	\$45.00	0	\$0.00 On D	emand
Dust Rule Opacity Reading (Avg. of 3@5 sec. (3 images))	ea.	\$15.00	0	\$0.00 On D	emand
CC Dust Rule Opacity Reading ((Req. Nikon) Burst of 8 (10 images))	ea.	\$20.00	0	\$0.00 On D	emand
Estimated Annual Opacity Lab Service Fees		8	909000999000000000000000000000000000000	\$0.00	
* Requires DOCS II SaaS Account/ALT 082 Data Collection Certification, 24 hour r	nax turn, 5-10 n	nins average	turn time		

			***************************************		
Description	Unit	Cost	Required	Sub Total Note	
Front of Line Priority Fee	ea.	\$19.95	0	\$0.00 On Demand	
Litigation Support Reports, Includes Observation and trace to,					
Analyst/Generator/Camera/DOCS II Certification report	ea.	\$4,995.00	0	\$0.00 On Demand	
DOCS II SaaS SOA Web Exchange Service, Return VEE to Agency Case file System in KML or PDF via VPN	ea.	\$0.99	0	\$0.00 On Demand	
DOCS II SaaS Certified Analyst Training**	ea.	\$4,995.00	0	\$0.00 Every 3.5 years	
DOCS II SaaS Analyst Annual Support Contract	ea.	\$4,995.00	0	\$0.00 Annual	
DOCS II SaaS Analyst On Demand Support billed in 15 min increments	Hour	\$250.00	0	\$0.00 On Demand	

From:

SHAWN DOLAN <sdolan50@msn.com>

Sent:

Wednesday, March 22, 2017 1:40 PM

To:

PFlowers@fpiwv.com

Cc:

WAppleton@fpiwv.com; SHAWN DOLAN

Subject:

DOCS II RFP Reply

Attachments:

SHAWN DOLAN - REQUEST FOR QUOTE - 03082017-WA. With answers from VT

LLC.docx

#### Phyllis,

Thank you for sending me this RFQ. I am sorry that the information the document seeks, requires a detailed understanding of the requirement that is not in this document. To move this forward VT LLC would need to perform a site survey to better understand and define the input methods and output requirements. Most specifically we need the averaging requirements to be well defined as well as the "triggering" to be defined.

VT LLC filled in this document as possible given the limited knowledge I have of the Ferro-Alloy business and the new NESHAP referenced. Note DOCS II SaaS is a DCOT as defined in ASTM D7520-16 and is certified as such.

Thank you for your time and effort in this matter. Please forward any confidentiality agreement required to move forward with a site survey so we can finalize the requirement and get Felman a reliable and cost effective means to manage visible emissions. Also attached is the basic price sheet we use to configure a customer solution. Note that that each customer solution is unique in its operation and thus is quoted after a site survey is performed.

Shawn Dolan President Virtual Technology LLC 801 309 3626



Felman Production, LLC. 4442 Graham Station Rd. PFlowers@fpiwv.com

Phyllis Flowers **Purchasing Agent** 

March 8, 2017

#### REQUEST FOR QUOTE - #03082017-WA

Shawn Dolan Virtual Technology LLC 561 Camino Ramanote Rio Rico, AZ 85648

**RE: DCOT SOFTWARE PROPOSAL** 

Dear Mr. Dolan.

We at Felman Production, LLC would like to ask for the price quote on the items outlined below:

Under the recently published final version of the National Emissions Standards for Hazardous Air Pollutants: Ferroalloys Production Felman Production is required to install DCOT technology to measure the Opacity of the emissions from the plant. The NESHAP limit for Opacity is

"An average opacity limit of 8 percent during a full furnace cycle and a maximum opacity limit of 20 percent for any two consecutive 6-minute periods to ensure effective capture and control of process fugitive emissions"

Felman's tapping cycle for our furnace is an average of 2 hours between tappings. We will be required to measure Opacity from each "source" for a full tapping cycle at least once per week for a minimum 26 weeks under the NESHAP to demonstrate compliance. We are requesting specific quotes which cover each of the following aspects.

#### Consultation

We assume that your company would send a representative to the site to identify camera locations and determine data interface options, etc. Understanding that the determination of Opacity requires that the observations be done against a suitable background, establishing the correct location for the equipment is a key to getting a readable image. What charges would be associated with such a consultation?



Phyllis Flowers
Purchasing Agent

Virtual Technology charges \$2500/day on a 3 day minimum to provide onsite consulting services in the continental US. This is our bundled rate and includes the cost of travel from our nearest facility to yours given a 2 week lead time. The rate increases to \$3000/day if travel is required immediately and thus 14 day advanced tickets cannot be purchased.

#### Equipment

We are requesting a specific quote for the physical equipment to do the DCOT measurement including the camera, stand and computer interface system.

- If this is a fixed location system, include the information and specifications for mounting the camera and for the interface between the camera and the computer internet connection. For example, is the interface between the camera and the data processing system/internet a Wi-Fi system or fiber-optic cable? What are the costs associated with the interface?
- What type of service guarantee and/or warranty do the cameras and other "hardware" come with?
- If this is a "mobile system", include the costs for the tripod/mount equipment and for any computer interconnection to the web.
- Include the costs for any computer, laptop or other interface device needed to perform the opacity measurement and process the data and the specifications for that equipment.
- \* We need a specific statement in the quote that guarantees that this equipment meets the NESHAP requirements and is certified by your company to meet those requirements.

DOCS II uses consumer grade camera equipment which is warranted by the manufacturer. Most InterNet Protocol cameras we use run Power Over Ethernet (PoE) and as the name implies have an Ethernet connection that can be fiber, but most likely Cat 5, with RJ45 connectors. WiFi is also available as an option, these cameras range in price for \$200 to \$4000, depending on the weather resistance and optical zoom supported. VT LLC does not warranty or guarantee any hardware. VT LLC will certify any camera the end user wants to use for a fixed price of \$3700.00, we are yet to find a camera we cannot certify. Once the site survey is complete VT LLC will recommend camera options for Felman's selection. Prices will range from \$900.00 for mobile tripod unit to \$8,800 for an intrinsically all weather, wifi unit with pan tilt and zoom. Like the FlareWatch cameras we use in the gas and oil sector.

#### Computer Interface and Software

- What are the specific costs for any software resident at Felman? DOCS II is Software as a Service and runs via Cloud processing.
- Is this the same software necessary to review the DCOT images for Quality Assurance purposes?



Phyllis Flowers
Purchasing Agent

DOCS II is a Software as a Service platform and the "same" software is used to perform all work step functions assuming the user has the appropriate security rights established.

\* How is the measurement of the Opacity triggered? Is this done automatically from a distant location, triggered by a timer mechanism; or is this sequence initiated locally by an "operator"?

This is custom to each account, but usually triggered by a local control "operator".

- Is the software completely developed and available for testing prior to the NESHAP deadline?
  - Does your company guarantee that the results of DCOT Opacity measurements are comparable to the results from a Method 9 certified observation?

No, there is no such thing as a Method 9 certified observation. Certified Visible Emission Observers, perform Method 9 observations. All testing to date shows that DCOT's are more consistent that humans and much more repeatable. DCOT's have a required certification and VT LLC guarantees that DOCS II is certified per the ASTM D7520-16 standard.

o If the DCOT technology is comparable to the Method 9 analyses, how are critical items such as Sun Angle incorporated into the measurement or the data analysis?

If? Do not understand request, the DCOT technology has its own standard and its own certification requirement that at a minimum is 6 times the difficulty of Human Visible Emission Observer certification. Per the standard all biasing conditions are accounted for, e.g. Sun angle, slant angle, water vapor, etal.

Do you purchase the software once and pay a one-time fee or are there annual (e.g., software renewal, upgrades, etc.) fees? In either case, we need the quote to specify the cost for this.

DOCS II SaaS is an annual subscription based fee, based on user count and usage requirements.

- If the DCOT images are analyzed at an off-site location, what is the specific cost associated with this analysis?
  - O The NESHAP requirement is for a weekly measurement of one complete furnace cycle. With a 2-hour cycle time this would amount to 20 consecutive 6-minute cycles of one-frame every 15 seconds or 20 6-minute cycles of 24 images per week for a minimum of 26 weeks. What are the costs associated with having this analysis performed at an off-site location? Presuming that the pictures are of acceptable quality, what is the total cost associated with each 2-hour cycle if the photo series are sent to an off-site location over the internet?

If? Cost of analysis is based on the number of images, the quality of the images and the desired turn time on the images. Rough estimate is \$150 per image set to



Phyllis Flowers
Purchasing Agent

analyze, but again picture quality and desired turn time are the primary cost drivers.

- Is on-site analysis of the data an option; and if so, what are the costs associated with training the Felman employees that would analyze the photo-sequences?
  - o Is the training a one-time certification or are there additional trainings and certifications required? If so, what are they and what are the costs associated with this training on a per-individual or group basis?
  - Are additional certifications required for the Quality Assurance person? For example, is this person required to also be a Method 9 certified reader?
  - o If the analysis of the images is done "over the web", what are the "Quality Assurance" options for the site if the results are believed to be inaccurate based on local conditions? Would a site rejection of the results for a specific photo sequence require an additional 2-hour observation cycle and at what cost?
  - o Felman is concerned about the potential for false positive readings triggering a Notice of Violation. If Felman's certified Method 9 readers determine that the DCOT measurements are a false positive, how is that to be reported?

Analysis Training, is \$4995 per year and analysis rights require enhanced user support at \$4995 per year. This is not advised because at this stage I have never encountered a company that could do enough analysis in its own to keep the analyst experienced enough. VT LLC analyst are certified visible emission observers as well as certified DCOT analyst. One thing for certain is certified visible emission observers often report false readings. The company Quality Assurance function requires the Felman company to approve every observation. If Felman QA questions the reading there is work flow control to pass the observation back and forth until it is adjudicated. DCOTS do not report false positives!, DOCS II reports the results to Felman and Felman adjudicates the results.

- Turnaround time is a critical issue since exceeding the Opacity Standard of 20% for any two consecutive 6-minute cycles is a violation of the NESHAP standard and Felman would be presumed to be in violation of the standard until data demonstrates that the plant is back in compliance.
  - What is the guaranteed turnaround time for off-site analysis of the photographic images and submission of a report?
  - o If turnaround time is fee-based, what are the costs associated with this service and is the needed response time guaranteed based on that fee structure?

Turn time is fee based and contractually agreed upon based on the information from the site survey.

Felman is required under the NESHAP to comply with an average Opacity not to exceed 8% during a full furnace cycle. Does your software have the capability to average the results of each 6-minute cycle and report Average Opacity for a total tapping cycle of 2



Phyllis Flowers
Purchasing Agent

hours? If not, how would this be done to prepare the Report that will be submitted to USEPA and WVDEP? Succinctly, is the software available to prepare the final report; and if not, what are the costs associated with preparing this report?

Output is part of the DCOT per ASTM D7520 and this specific reporting would need to be defined and finalized in the system. The site survey would define this output and the controls required to generate it.

What is the margin of error for your DCOT readings? Reading the ASTM Method for DCOT (D7520-16) Table 2 would imply that the 95% Confidence Interval for a 20% Opacity Reading (the NESHAP upper limit) would be 9%-31%. Felman is concerned that false-high values within the margin of error for the technology would indicate that the Plant was not in compliance even though comparative Method 9 analyses would indicate that the plant was in compliance with the Regulation. Part of the certification process for your system must include documentation that includes the margin of error for measurements at the NESHAP limits.

DCOT precision and bias is published in the ASTM Standard referenced, further is the certification requirement, e.g. pass 6 smoke schools in a row, with various back grounds, at the same passing requirement as a human for a single school, and then have 4 other people pass the same 6 schools from the images. This requirement is at least 6 times the requirement for a human, and arguably 24 times (4X6) as difficult. I am unaware as were the Smoke Schools who participated in the ASTM process of any human observer who could pass the DCOT certification requirement.

- \* Felman would also like verification that issues such as sun-angle etc. that are parts of the Method 9 measurement are compensated for in the DCOT software. Given a 2-hour cycle time, this becomes a key to evaluating the data and images correctly.
  - Can the cameras be automated to turn to accommodate the change in the sun angel? If so what is the cost of this? Is this function part of your software package or will this require human intervention?

Yes all of this can be automated and it is all compensated for in observations performed by DOCS II SaaS,

Your contact for all questions should be addressed to Wayne Appleton, email: <u>WAppleton@fpiwv.com</u> or cell: (304) 561-4198 with a copy to me at <u>PFlowers@fpiwv.com</u>.

Please include in your proposal all of the following information: lead time, pricing, availability, and installation. Your prompt attention to this request is appreciated. I would like to have all proposals returned by March 17, 2017. If you have any questions, please don't hesitate to call me at (304) 812-0801.

Sincerely,



Phyllis Flowers
Purchasing Agent

FELMAN PRODUCTION, LLC

Phyllis A. Flowers

Phyllis A. Flowers Purchasing Agent

Cc: Wayne Appleton

From: SHAWN DOLAN <sdolan50@msn.com>
Sent: Wednesday, March 22, 2017 1:41 PM

To: PFlowers@fpiwv.com

Cc: WAppleton@fpiwv.com; SHAWN DOLAN

Subject: RE: DOCS II RFP Reply

Attachments: DOCS\_II\_Pricing Felman Production Inc.xlsx

Whoops forgot to attach the basic price spreadsheet.

Shawn

From: dolan.shawn@outlook.com

Sent: Wednesday, March 22, 2017 10:40 AM

To: 'PFlowers@fpiwv.com'

Cc: 'WAppleton@fpiwv.com'; 'sdolan50@msn.com'

Subject: DOCS II RFP Reply

Phyllis,

Thank you for sending me this RFQ. I am sorry that the information the document seeks, requires a detailed understanding of the requirement that is not in this document. To move this forward VT LLC would need to perform a site survey to better understand and define the input methods and output requirements. Most specifically we need the averaging requirements to be well defined as well as the "triggering" to be defined.

VT LLC filled in this document as possible given the limited knowledge I have of the Ferro-Alloy business and the new NESHAP referenced. Note DOCS II SaaS is a DCOT as defined in ASTM D7520-16 and is certified as such.

Thank you for your time and effort in this matter. Please forward any confidentiality agreement required to move forward with a site survey so we can finalize the requirement and get Felman a reliable and cost effective means to manage visible emissions. Also attached is the basic price sheet we use to configure a customer solution. Note that that each customer solution is unique in its operation and thus is quoted after a site survey is performed.

Shawn Dolan President Virtual Technology LLC 801 309 3626 DOCS II Price Quote For:

Felman Production Inc. Carri Tucker (304) 834-8994 ctucker@fpiwv.com

Digital Opacity Compliance System Second Generation (DOCS II)

Confidential Virtual Technology LLC all rights reserved

www.Virtuallc.com 888 872 3836

			Number			
Description	Unit	Cost	Required	Sub Total	Note	
DOCS II SaaS Account, 1 User Subscription*	ea.	\$995.00	1	\$995.00	Annual	
DOCS II VEE Data Collection Training**	ea.	\$495.00	1	\$495.00	Once	
DOCS II Storage and Retrieval/100 records	ea.	\$49.00	1	\$49.00	Annual	1,
ALT 082 Certified Opacity ((6 minute Avg., (24 images)) (500+ Tier))	ea.	\$25.00	4	\$100.00	On Demand	
Service Start up Cost w/4 (24 image) VEE's (Req.s Web access and Cameras)		22		\$1,639.00	Plus Cameras	
*Includes Android Field Data Collection Application						
**Training Fee includes first year DOCS II SaaS Account with Android Field D	ata Collection A	plication				
***To maintain ALT 082 certification, each trained/certified user must subm	it 1 observation,	/quarter = 4/	/ear			
				\$1,144.00	per year	
Requires a camer	a from the list be	elow				

Agency or Corporate Capability 10 Simultaneous Use	•		•	_	
DOCS II Software as a Service, Cloud hosted Opa	city Determ	ination Servic	e, Camera I	Enabled	***************************************
Description	Unit	Cost	Required	Sub Total	Note
DOCS II SaaS Account, 10 simultaneous User Subscription*	ea.	\$4,995.00	1	\$4,995.00	Annual
DOCS II VEE Data Collection Training** (10 Users)	ea.	\$495.00	10	\$4,950.00	Once
DOCS II Storage and Retrieval/100 records (10 Users)	ea.	\$49.00	10	\$490.00	Annual
ALT 082 Certified Opacity ((6 minute Avg., (24 images)) (500+ Tier)) (10 X 4 = 40)	ea.	\$25.00	40	\$1,000.00	Annual
Service Start up Cost w/40 VEE's (Req.s Web access and Cameras)		100	***************************************	\$11,435.00	First year****
*Includes unlimited number of Android Field Data Collection Application					
**Training Fee includes first year DOCS II SaaS Account with Android Field Data	Collection A	pplication			
***To maintain ALT 082 certification, each trained/certified user must submit 1	observation	/quarter = 4/	⁄ear		
				\$6,485.00	per year
Requires cameras fro	om the list b	elow			

Description	Unit	Cost	Required	Sub Total	Note
Field Data Collection Platforms					
Android smart phone (DROID 4) with 1 year data plan *	ea.	\$999.00	0	\$0.00 Annual	
Android Tablet (Samsung Galaxy) with 1 year data plan*	ea.	\$799.00	0	\$0.00 Annual	
DOCS II Certified Cameras		×			
VIVOTEK IP Weather Dome 83	ea.	\$3,750.00	0	\$0.00 Once	
Long Range (Nikon D3200 w/300mm Lens)**	ea.	\$799.00	0	\$0.00 Once	
General Purpose (Cannon G-15)**	ea.	\$699.00	0	\$0.00 Once	
Infrastructure Investment Cost		~		\$0.00	
Optional Camera Equipment					
Intervalmeter, auto trigger camera (pictures every 15 sec. for 6 min.)	ea.	\$69.00	0	\$0.00 Once	
EyE-Fi Mobi Card, wireless transmit of pictures from camera to phone	ea.	\$59.00	0	\$0.00 Once	
Tripod, stabilize the camera during observation	ea.	\$59.00	0	\$0.00 Once	

Visible Emission Evaluation, Opacity I				999990000000000000000000000000000000000	500000000000000000000000000000000000000
DOCS II Software as a Service	, Opacity Labo	ratory service	Number	**************************************	
Description	Unit	Cost	Required	Sub Total Not	e
CA Method 9 Certified Opacity (high 6 min. Avg. in 1 hour (240 images)	ea.	\$100.00	0	\$0.00 On Demand	
ALT 082 Certified Opacity (5 minute Avg., (24 images))	ea.	\$25.00	0	\$0.00 On Demand	
Method 203c Certified Opacity (3 minute Avg., (12 images))	ea.	\$22.00	0	\$0.00 On Demand	
Method 203b Certified Opacity (3 min. above in 30 min. (120 images))	ea.	\$75.00	0	\$0.00 On Demand	
Method 203a Certified Opacity (User select images for average (24 images))	ea.	\$55.00	0	\$0.00 On Demand	
Method 22 Opacity Reading (Single image, (20 reading Block))	ea.	\$100.00	0	\$0.00 On Demand	
Method 22 Opacity Reading, (1 image)	ea.	\$7.00	0	\$0.00 On Demand	
Sub part 000 Dust (Rolling High (24 images))	ea.	\$45.00	0	\$0.00 On Demand	
Dust Rule Opacity Reading (Avg. of 3@5 sec. (3 images))	ea.	\$15.00	0	\$0.00 On Demand	
CC Dust Rule Opacity Reading ((Req. Nikon) Burst of 8 (10 images))	ea.	\$20.00	0	\$0.00 On Demand	
Estimated Annual Opacity Lab Service Fees		19		\$0.00	
* Requires DOCS II SaaS Account/ALT 082 Data Collection Certification, 24 hour	max turn, 5-10	mins averag	e turn time		

			Number		
Description	Unit	Cost	Required	Sub Total	Note
Front of Line Priority Fee	ea.	\$19.95	0	\$0.00 On D	emand
Litigation Support Reports, Includes Observation and trace to,					
Analyst/Generator/Camera/DOCS II Certification report	ea.	\$4,995.00	0	\$0.00 On D	emand
DOCS II SaaS SOA Web Exchange Service, Return VEE to Agency Case file System in KML or PDF via VPN	ea.	\$0.99	O	\$0.00 On D	emand
DOCS II SaaS Certified Analyst Training**	ea.	\$4,995.00	0	\$0.00 Every	3.5 years
DOCS II SaaS Analyst Annual Support Contract	ea.	\$4,995.00	0	\$0.00 Annu	al
DOCS II SaaS Analyst On Demand Support billed in 15 min increments	Hour	\$250.00	0	\$0.00 On D	emand

From:

SHAWN DOLAN <sdolan50@msn.com>

Sent:

Tuesday, April 04, 2017 2:38 PM

Sent: To:

Wayyne Appleton; SHAWN DOLAN

Cc:

'Phil Gardner'

Subject:

RE: Haven't heard back from you

Wayne, didn't see the email you reference? I answered your RFP and ERAMETS about that time with "need to do a site survey to answer these questions"

As I have said before, I cannot tell you what the processing will cost, until I know the quality of the images, the consistency of the plumes, the variation of the background, etc. It could be \$1 per observation or \$1,000 depending on the image quality, turn time and analysis requirement.

We need to get me there to understand the variables. From there I can give you a detailed cost breakdown. QA is a Felman required task after analysis for final approval, not sure why one would do that in advance as well. But again I don't really know as I have not seen this process nor do I understand the variables to the plumes and so on.

Camera placement has many rules to adhere to but I would figure that two, to four cameras would likely cover the facility. Sun compliance usually eliminates a single camera solution, but again I have not been there to measure southern exposure and so on.

Wayne, I have to make a living and thus I need to spend time with customers who are paying me to solve their visible emission issues. I am hopeful that one day that will include Felman. I can assure you once Felman is a customer you will have my attention, expertise and knowledge as do all my customers.

Thank you and I look forward to working with you.

Shawn Dolan 801 309 3626

From: Wayyne Appleton [mailto:wappleton@fpiwv.com]

Sent: Tuesday, April 4, 2017 10:47 AM

To: 'SHAWN DOLAN'
Cc: 'Phil Gardner'

Subject: Haven't heard back from you

On March 24<sup>th</sup>, I emailed you a list of questions the management here asked me about the costs of the data processing for the DCOT system. As of today, I haven't received a response. Although you and I have discussed both hardware and software costs – and issues around data processing—I did not feel comfortable in telling them how much the off-site data processing costs would be and how much training local employees would require for the QA portion of the process. I have identified a location where I believe a DCOT camera could be positioned that would see the entire roof-line of the main Felman Shop and possibly minimize the hardware required but that would be something for you to evaluate.

From:

SHAWN DOLAN <sdolan50@msn.com>

Sent:

Wednesday, April 05, 2017 2:36 PM

To: Cc: 'Wayyne Appleton'

CC:

'Phil Gardner'

Subject:

FW: DOCS II quote/price sheet from 2014

Attachments:

DOCS II Pricing Felman Production Inc.xlsx

Wayne, here is the email I sent you with the quote I gave Felman, years ago now. Note that the analysis cost for various averaging methodologies are list individually. Per our conversations, VT no longer supports this type of pricing because every customer is different, every picture is different, as explained in this email and via the phone many times.

Analysis pricing is entirely based on the quality of the image and that is not known until the facility has been surveyed for camera surveillance as we have spoken about many times.

The cost of DCOT monitoring is a rounding digit in comparison to the cost of the engineering controls. We spoke for over an hour about this when I sent you this email. DCOT cost is measured in thousands per years versus hundreds of thousands like the controls. The DCOT technology is required, so I find it hard to believe Felman and ERAMET are not using DCOT reports to negotiate your final permits. All DOCS II customers use DOCS II reports to negotiate permits and seem very successful with it. A picture says a thousand words.

I looked again and no email of March 24, 2017. Perhaps I deleted it, but I did find this one and thought maybe you didn't get it.

Call me if you want an update.

Shawn Dolan 801 309 3626

From: dolan.shawn@outlook.com Sent: Monday, March 13, 2017 8:58 PM

To: 'Wayyne Appleton (wappleton@fpiwv.com)'

Cc: 'sdolan50@msn.com'

Subject: DOCS II quote/price sheet from 2014

This was the price sheet 2 years ago. The cost of sale here has grown exponentially, I no longer publish prices

On-site consulting fee is \$2500/day, will you ask your customers, if they will send VT LLC their consulting engagement contract, and vendor set up and Ill generate you a quote for a week on-site measuring from various positions on site, observing the process and experimenting with different start and stop time parameters. 5 days = \$12,500 and we monitor the site from various positions and at various times for a week, together we determine the best path forward with regards to a DCOT. We will use uncertified cameras, you will know what the probability of all the improvements being a success is and you can get the defined monitoring protocol into the permit now.

Then we can work through the purchase and certification of the right cameras and the automation of the reports per the RFP you sent me.

This is all about who takes the pictures, when and where, how good they are and how repeatable they are when it comes to cost. So human hand held is the most expensive and fixed camera on a specific spot least expensive.

DCOT is your friend, it is a good thing because it eliminates variability, is repeatable and reproducible. Humans are not. With the repeatability the rest of the tuning is easy because we have consistency in measure.

Shawn Dolan 801 309 3626 DOCS II Price Quote For:

Felman Production Inc. Carri Tucker (304) 834-8994 <a href="mailto:ctucker@fpiwv.com">ctucker@fpiwv.com</a>

# Digital Opacity Compliance System Second Generation (DOCS II) Confidential Virtual Technology LLC all rights reserved www.Virtuallc.com 888 872 3836

Single User Field Data Collection, Al	.T 082 Certification	n Required Co	onfiguration	1		***************************************
DOCS II Software as a Service, Cloud Hoste	d Opacity Determi	ination Servic		Enabled		
Description	Unit	Cost	Number Required	Sub Total	Note	
DOCS II SaaS Account, 1 User Subscription*	ea.	\$995.00	1	\$995.00 /	Annual	
DOCS II VEE Data Collection Training**	ea.	\$495.00	1	\$495.00 (	Once	
DOCS II Storage and Retrieval/100 records	ea.	\$49.00	1	\$49.00 /	Annual	:
ALT 082 Certified Opacity ((6 minute Avg., (24 images)) (500+ Tier))	ea.	\$25.00	4	\$100.00	On Demand	
Service Start up Cost w/4 (24 image) VEE's (Req.s Web access and Cameras	;)	9	**********************	\$1,639.00	Plus Cameras	
*Includes Android Field Data Collection Application						
**Training Fee includes first year DOCS II SaaS Account with Android Field	Data Collection Ap	pplication				
***To maintain ALT 082 certification, each trained/certified user must sub	mit 1 observation,	/quarter = 4/	Year			
				\$1,144.00	oer year	
Requires a cam	era from the list be	elow				

Agency or Corporate Capability 10 Simultaneous Use			•	-	
DOCS II Software as a Service, Cloud hosted Opa	city Determ	ination Servic	e, Camera Number	Enabled	
Description	Unit	Cost	Required	Sub Total	Note
DOCS II SaaS Account, 10 simultaneous User Subscription*	ea.	\$4,995.00	1	\$4,995.00 A	Annual
DOCS II VEE Data Collection Training** (10 Users)	ea.	\$495.00	10	\$4,950.00 C	Once
DOCS II Storage and Retrieval/100 records (10 Users)	ea.	\$49.00	10	\$490.00 A	Annual
ALT 082 Certified Opacity ((6 minute Avg., (24 images)) (500+ Tier)) (10 X 4 = 40)	ea.	\$25.00	40	\$1,000.00 A	Annual
Service Start up Cost w/40 VEE's (Req.s Web access and Cameras)		***	000000000000000000000000000000000000000	\$11,435.00 F	irst year***
*Includes unlimited number of Android Field Data Collection Application					
**Training Fee includes first year DOCS II SaaS Account with Android Field Data	Collection A	pplication			
***To maintain ALT 082 certification, each trained/certified user must submit 1	observation	n/quarter = 4/	/ear		
				\$6,485.00 p	er year
Requires cameras fro	om the list b	elow			

Description	Unit	Cost	Required	Sub Total	Note
Field Data Collection Platforms	<del>quanqualuminumanananananananananananananananananana</del>				
Android smart phone (DROID 4) with 1 year data plan *	ea.	\$999.00	0	\$0.00 Annual	
Android Tablet (Samsung Galaxy) with 1 year data plan*	ea.	\$799.00	0	\$0.00 Annual	
DOCS II Certified Cameras		•	200000000000000000000000000000000000000	900000000000000000000000000000000000000	
VIVOTEK IP Weather Dome 83	ea.	\$3,750.00	0	\$0.00 Once	
Long Range (Nikon D3200 w/300mm Lens)**	ea.	\$799.00	0	\$0.00 Once	
General Purpose (Cannon G-15)**	ea.	\$699.00	0	\$0.00 Once	
Infrastructure Investment Cost		•		\$0.00	
Optional Camera Equipment					
Intervalmeter, auto trigger camera (pictures every 15 sec. for 6 min.)	ea.	\$69.00	0	\$0.00 Once	
EyE-Fi Mobi Card, wireless transmit of pictures from camera to phone	ea.	\$59.00	0	\$0.00 Once	
Tripod, stabilize the camera during observation	ea.	\$59.00	0	\$0.00 Once	

Unit	• .		Number						
OIIIC	Cost	Required	Sub Total Note						
ea.	\$100.00	0	\$0.00 On Demand						
ea.	\$25.00	0	\$0.00 On Demand						
ea.	\$22.00	0	\$0.00 On Demand						
ea.	\$75.00	0	\$0.00 On Demand						
ea.	\$55.00	0	\$0.00 On Demand						
ea.	\$100.00	0	\$0.00 On Demand						
ea.	\$7.00	0	\$0.00 On Demand						
ea.	\$45.00	0	\$0.00 On Demand						
ea.	\$15.00	0	\$0.00 On Demand						
ea.	\$20.00	0	\$0.00 On Demand						
	ea. ea. ea. ea. ea. ea. ea.	ea. \$25.00 ea. \$22.00 ea. \$75.00 ea. \$55.00 ea. \$100.00 ea. \$7.00 ea. \$45.00 ea. \$15.00	ea. \$25.00 0 ea. \$22.00 0 ea. \$75.00 0 ea. \$55.00 0 ea. \$100.00 0 ea. \$7.00 0 ea. \$45.00 0 ea. \$15.00 0						

	pacity Lab	ratory Service	Number		
Description	Unit	Cost	Required	Sub Total	Note
Front of Line Priority Fee	ea.	\$19.95	0	\$0.00 On	Demand
Litigation Support Reports, Includes Observation and trace to,					
Analyst/Generator/Camera/DOCS II Certification report	ea.	\$4,995.00	0	\$0.00 On	Demand
DOCS II SaaS SOA Web Exchange Service, Return VEE to Agency Case file System in					
DOCS II SaaS SOA Web Exchange Service, Return VEE to Agency Case file System in KML or PDF via VPN	ea.	\$0.99	0	\$0.00 On	n Demand
	ea.	\$0.99 \$4,995.00	0 0		Demand
XML or PDF via VPN		. 188			ery 3.5 years

Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]

Sent: 5/24/2017 4:18:36 PM

To:

From:

Personal Email / Ex. 6 Rebecca Combs-Dulaney

CC:

Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group]

(FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]

Subject:

RE: Structural Steel Services and Notice of EPA Violation

Great – Can you do 2:00 or 2:30 today and I will put it on her calendar.

Best. Alex

From: Rebecca Combs-Dulaney

Personal Email / Ex. 6

Sent: Wednesday, May 24, 2017 12:11 PM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov> Cc: Dominguez, Alexander < dominguez.alexander@epa.gov> Subject: Re: Structural Steel Services and Notice of EPA Violation

I will make myself available to you Mandy. Please let me know what works best for you

Sent from my iPhone

On May 24, 2017, at 9:26 AM, Gunasekara, Mandy < Gunasekara. Mandy @epa.gov > wrote:

Rebecca,

Thank you for reaching out on this. We'll take a look. Are you available for a call later today? Alex, can you coordinate with Rebecca to find a time that works to touch base?

Best.

Mandy

Sent from my iPhone

On May 23, 2017, at 1:01 PM, Rebecca Combs-Dulaney | Personal Email / Ex. 6 | wrote:

Dear Mandy,

Your father, Mike, and I have been friends for some time now, and he suggested I contact you regarding a notice of an EPA violation and subsequent EPA and Structural Steel Services (SSS) correspondence.

I have attached the original Notice of Violation which we received on Aug 14, 2016 and the recent email from Erika White. There have been several documents exchanged. Structural Steel Services has been in business over 40 years in Meridian, MS. a family owned business employing nearly 300 people, fabricating steel for pollution control operations, natural gas facilities, and now we are fabricating beams for bridges to assist in building a better transportation system to improve the economic viability for our country. We have always complied with all rules and regulations. However, we have recently undergone a transition in personnel. Our Safety and Human Resource Director retired after 42 years. A majority of our employees have been with us many, many years. During that transition we failed to submit the required report that we have always submitted, on time, every time. We have always utilized the chemicals in question in the amounts indicated as required for this special reporting form. We have not altered our practices in any way. This was simply a clerical error, (late submission) and the report was subsequently submitted. However, as you can see we have been given a violation which allows us to either submit a SEP or pay the EPA fine. We had elected to submit a SEP, but have had no assistance from the EPA in guiding us in what would be acceptable. We continue to be told it must have nexus, but we are stymied in how nexus can be related to a clerical error. Our contacts at EPA have been Erika White, Atlanta office, Robert Bookman and Eddie Chou.

We have always been a community supporter, fabricating and building pavilions, handicapped bathrooms, and accessible buildings for the boy scout council. We have given our time, funds and expertise in matters that concern our community such as Special Olympics, State Games, college scholarships, financial support for school trips. The list goes on and on.

We would never, knowingly, violate an environmental policy. Our employees and their families come first. They live here and work here. We have always and will always be helpful partners with our families and our community.

Any assistance you can provide would be helpful and appreciated.

Rebecca Combs-Dulaney Vice President Structural Steel Services, Inc. PO BOX 2929 6210 St. Louis St. Meridian, MS 39302 601-616-4428 (cell) 601-483-5475 (fax)

Personal Email / Ex. 6

<EPA Notice of Violation.pdf>

<EPA SSS Response to violation.docx>

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 11/3/2017 11:52:48 AM

To: David Schwietert [DSchwietert@autoalliance.org]

CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

Subject: Re: Auto Alliance outreach

Yes- I'd be happy to meet. Looping in Alex to help with logistics.

Sent from my iPhone

On Nov 2, 2017, at 6:20 PM, David Schwietert <DSchwietert@autoalliance.org> wrote:

Mandy,

I hope you are doing well and I see that Leader McConnell filed cloture earlier today on Bill Wehrum's nomination. I know that would be good for the Administrator (and team) to have him on-board.

I wanted to reach out to see if you might have some time next month for a brief meeting with myself and Chris Nevers who heads up our energy and environmental division.

Chris works out of our Michigan office but plans to be in town:

- <!--[if !supportLists]--><!--[endif]-->December 7-8
- <!--[if !supportLists]--><!--[endif]-->December 13
- <!--[if !supportLists]--><!--[endif]-->December 18-20

Would any of those days work for your schedule?

Thanks,

Dave

# David Schwietert

Executive Vice President, Federal Government Relations & Public Policy

P: 202-326-5521 | dschwietert@autoalliance.org <image001.png>

<image002.png> ALLIANCE OF AUTOMOBILE MANUFACTURERS

803 7th Street, NW Main Phone: 202-326-5500 Suite 300 Main Fax: 202-326-5567

Washington, DC 20001

https://autoalliance.org/

Curious to know how the Auto sector impacts your state or district — <u>Click here</u>. To get a better understanding of how America's automobile industry is one of the most powerful engines driving the U.S. economy, <u>click here</u>.

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 10/25/2017 6:08:48 PM

To: Traci Kraus [traci.kraus@cummins.com]

CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

Subject: RE: Thank you and follow up- Cummins and EMA

Hi Traci,

I apologize for the delayed response. I do not believe I am available during that time. I'm looping in Alex to help see if we can make it work. We will follow-up in a few.

Best, Mandy

From: Traci Kraus [mailto:traci.kraus@cummins.com]

Sent: Tuesday, October 10, 2017 3:37 PM

**To:** Gunasekara, Mandy < Gunasekara. Mandy@epa.gov> **Subject:** RE: Thank you and follow up- Cummins and EMA

Hi Mandy,

Hope all is well. I wanted to follow up on the invitation to speak to the EMA/ DTF joint meeting on November 9<sup>th</sup>. We have separately confirmed that Mike Catanzarro will also be speaking on the Administration's energy and environment priorities, and it would be great to get the EPA perspective.

Specifically we are looking at 1:45 pm- 3:00 pm on November 9th. Please let me know if you might be available.

Thanks so much for your help.

Best,

## Traci Kraus

Director, Government Relations Cummins Inc.

601 Pennsylvania Ave. NW

Suite 1100N

Washington, DC 20004 Office: 202-654-4285 Cell: 202-302-5851

From: Traci Kraus

Sent: Tuesday, September 26, 2017 10:04 AM

**To:** Gunasekara, Mandy < <u>Gunasekara.Mandy@epa.gov</u>> **Subject:** Thank you and follow up- Cummins and EMA

Hi Mandy,

I wanted to thank Administrator Pruitt, you and your team for meeting with the principals of the Truck and Engine Manufacturers Association last week. I know the group really appreciated it and thought it was a great and informative meeting.

I know there was a particular follow up regarding the opportunity for a low-NOx rulemaking and streamlining of the heavy duty truck program. Our technical teams are working on follow up information and data and would like the opportunity to present it to you late next month or early November. I wanted to see if we could get something on the schedule. Please let me know what works for you.

I also wanted to extend an invitation for you to address a joint meeting between the Diesel Technology Forum (DTF) and Truck and Engine Manufacturers Association (EMA) on **November 9**<sup>th</sup> or **10**<sup>th</sup>.

Attendees will be primarily government affairs, engineering and federal and state policy representatives of engine and truck manufacturers, off-road equipment makers, suppliers and emissions control technology companies and some fuel interests as well. Among the companies expected to attend are Caterpillar, Cummins, Daimler, Deere, CNH, Volvo, GM, Ford, Isuzu, Bosch, Delphi, AGCO, MTU, Navistar and several others. We expect an audience of about 50 people from those companies all with a substantial interest in both domestic energy and environmental policy as well as international issues. The meeting is private and not open to members of the public or press. It will be held at the law offices of Crowell and Moring, located at 1001 Pennsylvania Avenue NW.

We would love to hear you speak about EPA's priorities and how the industry can continue to work collaboratively with the Administration. We have availability in the schedule on the afternoon of Thursday, November 9<sup>th</sup>, or the morning of Friday, November 10<sup>th</sup>. Please let me know if you might be available, or if there is a more formal channel through which I should make the request.

Again, thanks so much for all of your help!

All the best,

# Traci Kraus

Director, Government Relations Cummins Inc.

601 Pennsylvania Ave. NW Suite 1100N Washington, DC 20004

Office: 202-654-4285 Cell: 202-302-5851

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 10/20/2017 8:44:04 AM

**To**: Viator, Brad [BViator@eei.org]

CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]

Subject: Re: EEI Member Meeting Invitation - October 25

Ok- no worries and great.

Sent from my iPhone

On Oct 20, 2017, at 2:25 AM, Viator, Brad <8Viator@eei.org> wrote:

Alex and Mandy,

Just catching up from the day. I actually filled the slot with Samantha Dravis earlier this week and got it confirmed on Wednesday. I apologize. I forgot to update Whatley on it. I'm sorry about that.

Brad Viator Edison Electric Institute 202-257-5394

Sent from my iPhone

On Oct 19, 2017, at 5:28 PM, Dominguez, Alexander <dominguez.alexander@epa.gov> wrote:

This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit <u>The Grid</u>. Questions? Please contact <u>ITSupport@eei.org</u> or ext. 5100.

Mimecast Attachment Protection has created safe copies of your attachments.

Brad,

8:30AM on Wednesday works. Can you just send me the logistics, an agenda, and who else is speaking. Attached is Mandy's bio. Additionally are there any topics in particular your members want to focus on or more a general regulatory outlook?

Thank you, Alex

# Alex Dominguez

Policy Analyst to the Senior Advisors to the Administrator for Air and Water U.S. Environmental Protection Agency From: Gunasekara, Mandy

Sent: Thursday, October 19, 2017 12:42 PM

To: Michael Whatley < MWhatley@hbwresources.com >; Dominguez, Alexander

<dominguez.alexander@epa.gov>
Cc: Viator, Brad <BViator@eei.org>

Subject: Re: EEI Member Meeting Invitation - October 25

Looping in Alex.

Sent from my iPhone

On Oct 19, 2017, at 12:38 PM, Michael Whatley < <a href="MWhatley@hbwresources.com">MWhatley@hbwresources.com</a>> wrote:

Mandy -

Per our discussion, here is the information on the EEI Member Meeting next Wednesday.

The meeting is a collection of about 100 EEI member company state representatives as well as 50 or so federal representatives from many of those same companies. It is scheduled for October 25 at 830 AM, but we have a little flexibility that morning if you need to move the time around a bit.

I have copied Brad Viator from EEI, who is organizing the session and can provide any additional information that you may need.

Thanks.

Michael

<image001.jpg>

# Michael Whatley

HBW Resources 1666 K Street, NW, Suite 500 Washington, DC 20006 202-674-1750

<Mimecast Attachment Protection Instructions>

<Mandy Gunasekara Bio.doc>

From: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]

**Sent**: 6/27/2017 11:11:44 PM

To: Elizabeth.reicherts@siemens.com

CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Bolen, Brittany

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]; Dravis, Samantha

[/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]

**Subject**: Partnership on International Environmental Issues

# Hey Liz,

It was great meeting you and thank you again for you and your colleagues time this afternoon. That was a very productive conversation.

It would be great if we could set up a meeting either the week of <u>July 10<sup>th</sup></u> or 17<sup>th</sup> to further discuss ways we can work together to facilitate international expansion of advanced energy technology and best environmental practices. I've CC'd Alex Dominguez who can help set something up. Let him know if any dates work better from your end and who all you will be bringing.

I look forward to connecting again soon.

Best, Mandy

Sent from my iPhone

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

Sent: 5/30/2017 6:52:09 PM

Patrick Traylor Personal Email / Ex. 6 To:

Subject: Re: Reschedule

Awesome- i should be done in a few

```
Sent from my iPhone
```

- > On May 30, 2017, at 2:21 PM, Patrick Traylor Personal Email/Ex.6 wrote:
- > Mandy, your assistant sent your regrets. Rather than go and come back, I'm hanging out at a table in the pantry (!). You can find me there when you have a moment.
- >> On May 30, 2017, at 1:32 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:
- >> My afternoon just cleared so I can meet you after the meeting with Byron and David. I'm in 3315 A (just down the hall).
- >>> ----Original Message--->>> From: Patrick Traylor Personal Email / Ex.
  >>> Sent: Tuesday, May 30, 2017 12:54 PM
  >>> To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> Personal Email / Ex. 6

- >> Subject: Re: Reschedule
- >> >> I'm seeing Byron from 1:30-2:00 and could see you after. >>
- >>> On May 30, 2017, at 12:10 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:
- >>> >>> Sorry but I'm in meeting and will not be available for 1230.
- >>> >>> Alex, can you escort Patrick up and help him get to Byron office by 1.
- >>> >>>
- >>> Sent from my iPhone

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 3/28/2017 12:01:55 PM

To: luke\_holland@inhofe.senate.gov

Subject: Summary

Attachments: Energy Independence Policy EO\_Summary.docx

See attached. Please hold close close close until this afternoon. Will you be with the boss?

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 4/11/2017 8:22:22 PM

To: justin.savage@hoganlovells.com

Subject: Holly Frontier Meeting

# Hi Justin,

I look forward to meeting the group tomorrow. Please use the William Jefferson Clinton North Entrance located on your right as you exit the Federal Triangle Metro Station. You will need a photo ID to clear Security. Send me an email once you are through security and I'll come down to escort you up. We'll be meeting in Room 3415.

Best, Mandy

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 4/10/2017 4:07:15 PM

To: Gunasekara, Surya [Surya@mail.house.gov]

Subject: Alex

Attachments: COP 22 OpEd \_version 2\_DRAFT.docx; COP 22 OPED.docx; COP 22 OpEd\_DRAFT.docx

Please forward to Alex.

The incoming administration should not be swayed by recent warnings that pulling out of the Paris Agreement would have grave consequences for the country. Such an action would only have grave consequences to environmental activists who would like to preserve a means to implement their Keep It in the Ground objectives. Further, the United Nation's climate community has been on full notice that Congress opposed the Obama Administration's climate actions and dully warned there were numerous options to forego any of the "empty promises" he and his administrative officials made.

Last October, I invited State Department Special Envoy for Climate Change Todd Stern, Environmental Protection Agency (EPA) Acting Assistant Administrator Janet McCabe and Council on Environmental Quality (CEQ) Managing Director Christy Goldfuss to testify before the Environment and Public Works Committee to discuss their efforts related to the Paris Agreement. All three witnesses refused to show up and CEQ and EPA went a step further suggesting they could not provide a credible witness because they were not involved.

A few weeks later at the United Nation's climate conference in Paris, both CEQ's Goldfuss and EPA's McCabe proved they were not only involved, but led panel discussions on their respective roles in delivering and implementing the president's climate plan. Perhaps if either the State Department, EPA or CEQ had showed up at the EPW Committee hearing last October and discussed the many points they and their environmental allies are making today, their arguments would come off much more credible.

It's interesting that the leading arguments as to why the United States should not exit the Paris Agreement have nothing to do with the climate. But a climate treaty should be about the climate as I would This is true of the rest of the President's climate policies including his so-called Clean Power Plan. Last year before the Environment and Public Work Committee EPA Administrator Gina McCarthy testified that the rule was needed to "show the world the United States was serious about address climate change."

Let's talk about real consequences.

Countries are not going to take these actions. Regions like to avoid political instability – Russia and the Middle East, which we would like to avoid.

If durability and certainty of their actions was ever a goal of the Obama Administration, they would not have crafted a course that bypassed Congress. For any countries that continue to look to the United States for a cue about the path forward on climate change they should stop listening to the lame duck bureaucrats from the Obama administration and prepare for a change that is aligned with what the American people really want. My colleagues and I have been candid in our opposition to the president's climate policies and the potential outcome of their efforts when a Republican administration was elected.

# Energy security

The truth is that climate change is no longer a matter of science, but (rather) politics. The science around climate change remains unsettled and anyone suggesting otherwise is only doing so for political opportunity or personal gain. The Obama Administration is full of political appointees and career bureaucrats who have staked their professional reputation on the successful dispensation of climate alarmism and ultimate acceptance by the American people. The same is true for some in the scientific community.

Instead of reading the letter from 2,300 scientists who demanded the Trump administration "adhere to high standards of scientific integrity and independence in responding to current and emerging public health and environmental health threats." I suggest the administration read a more accurate account of the state of scientific integrity in the past few years. Roger Pielke, Jr. suggested ...

#### Called names -

I was an original cosponsor to the Clean Air Act Amendments of 1990 and was a key part of the recent update to the Toxic Substances Control Act, which E&E's *Greenwire* characterized as "a milestone in the history of environmental legislation." I have been Chairman and Ranking Member of the Environment and Public Works Committee for 12 years and I know what policy that aims to improve the environment in tangible ways actually looks like.

We've endured eight years of an EPA that ignores the law and has been distracted from fulfilling the core missions established by Congress. A key priority for the 115<sup>th</sup> Congress will be reversing course and refocusing the agency's efforts on improving public health and environmental protections in tangible ways while bolstering future economic opportunity. We don't need the Clean Power Plan or the Paris Agreement to reduce emissions and run a more efficient economy. American innovation in the energy sector, state actions and unadulterated market conditions will chart out the most efficient and effective path forward.

Scott Pruitt at the helm.

# Extra:

If any governors, state officials or mayors want to continue down the path of the president's costly climate agenda, they can. They should simply note that they cannot count on federal mandates and taxpayers investments to protect them from the economic consequences.

Snow

# COP 22 OP-ed

Not meet threshold of "Reciprocity" under section 115 of CAA.

Rush to ratification leaves the final agreement and any associated actions vulnerable to a host of legal challenges from entities who are critical of the process today or may become critical of the process moving forward. All the short cuts the UNFCCC has taken to get members to join the Paris Agreement and push it toward early enforcement undoubtedly make it easier for parties to get out.

Rush to ratification is an indication that negotiators have prioritized making an agreement for the sake of an agreement ultimately sacrificing the durability of their actions

"That would take an Act of Congress" is associated with achieving the seemingly impossible. Even so, Congress has been at the center of passing laws to address the greatest and most prevailing issues of every American generation. Throughout history, Congress's achievements include passing protections for civil rights and voting rights, making Declarations of War, setting work safety standards, funding the government, expanding opportunities for our veterans, and protecting the environment, to name a few. This congress, my colleagues and I have been very active passing successful bipartisan policies including a five year transportation reauthorization bill and

President Obama himself describes climate change as "no greater threat to future generations," yet his administration has deliberately crafted climate change "solutions" that circumvent congress both here and abroad. This begs the question: Why, after 114 Congress's where administrations have consistently worked with the legislative branch to help solve important generational challenges is congress suddenly ill-equipped to address climate change? The truth is that Congress can and already has.

Republicans and Democrats have been rejecting climate change legislation in the form of cap and trade since 2001. These legislative efforts come with a high economic cost for little environmental benefit and the Clean Power Plan is no different. Throughout this congress, the Environment and Public Works Committee held 10 hearings assessing elements of the president's climate plans, associated regulations and the Paris Agreement. Expert witnesses representing local, regional and state perspectives pointed out the many consequences including increased electricity bills and reduced reliability. Even environmentalists were critical, including a former General Counsel of the Sierra Club who categorized the president's climate regulations as legally unsound and admitting that they will fail to have a meaningful impact on the environment.

Since my first congress as Chairman of the Environment and Public Works Committee to my last, it has been very clear that the American people do not support the climate change policies pursued by President Obama. Americans expect a reasonable return on their taxpayer dollar investments, which the president's all pain and no gain climate plan fails to accomplish. In 2009, Lisa Jackson warned my committee that a go at it alone approach will do nothing for the environment. Independent analyses of the president's Clean Power Plan reveal as much. The \$292 billion price tag will result in less than 0.2% reduction in worldwide carbon dioxide emissions and a reduction in sea level rise that is equivalent to the thickness of two sheets of paper. Most concerning is that these "benefits" would be completely undone by a few weeks of emissions in China, which the much-heralded Paris Agreement does nothing to change.

The Obama Administration understands this, which is why his administrative officials worked hard to bypass congress at both the domestic and international levels. Fortunately, President-elect Trump has been forthright in his opposition to the president's climate policies and view them for what they truly are. Overregulation is a barrier to economic growth and we

now have many available tools to pare back, repeal or cancel the Obama administrations regulatory actions.

The environmental left and their international allies should not feign surprise at the new climate reality. If durability and certainty of their actions was ever a goal, they would not have crafted a course that bypassed Congress. For any countries that continue to look to the United States for a cue about the path forward on climate change they should stop listening to the lame duck bureaucrats from the Obama administration and prepare for a change that is aligned with what the American people really want. My colleagues and I have been candid in our opposition to the president's climate policies and the potential outcome of their efforts when a Republican administration was elected.

The incoming administration should not be swayed by recent warnings that pulling out of the Paris Agreement would have grave consequences for the country. Such an action would only have grave consequences to environmental activists who would like to preserve a long-shot attempt at using Section 115 of the Clean Air Act to establish economy-wide emission reduction mandates when a like-minded president regains control of the administration. When I gave the administration the opportunity to testify to the agreement before the hill and they would not even show up. All the actions by Obama's political operatives and the career bureaucrats Preserve the long-shot attempt to use Section 115 of the Clean Air Act

We've endured eight years of an EPA that ignores the law and has been distracted from fulfilling the core missions established by Congress. A key priority for the 115<sup>th</sup> Congress will be reversing course and refocusing the agency's efforts on improving public health and environmental protections in tangible ways while bolstering future economic opportunity. We don't need the Clean Power Plan or the Paris Agreement to reduce emissions and run a more efficient economy. American innovation in the energy sector, state actions and unadulterated market conditions will chart out the most efficient and effective path forward.

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 3/25/2017 4:58:17 PM

To: Barr Kelly J [Kelly.Barr@srpnet.com]

Subject: Re: Thank you

Kelly,

It was very nice meeting you and thank you for the follow-up. I look forward to working on this with you. All the hard work put into the plant and the path forward is apparent. It's a good story.

Let's touch base a few weeks into April- the third or fourth week. Shoot me a note closer to that time if/when you'll be here.

Best, Mandy

Sent from my iPhone

On Mar 25, 2017, at 8:51 AM, Barr Kelly J < Kelly.Barr@srpnet.com > wrote:

Mandy,

Thanks so much for taking the time to visit with us about the Coronado Generating Station on Thursday. I am sure that you have a lot on your plate as you start your new position and I am very thankful that you made time to learn about our issue. I was really pleased to hear that EPA Region 9 would be issuing a proposal in April and I am hopeful that we can get a workable solution for the plant by the October deadline. As I mentioned at the meeting, we have been working on the BART Alternative for several years and it would be great to get it across the finish line.

I am back in DC on a fairly regular basis and would love the opportunity to get together. I am optimistic about the new administration and would love to help however I can.

Hope you have a great weekend.

Take care,

Kelly

Kelly J. Barr
SRP
Senior Director, Environmental Management and
Chief Sustainability and Compliance Executive
(602)236-5262
Kelly.Barr@srpnet.com

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 4/19/2017 1:40:23 PM

To: Marnie Satterfield [MSatterfield@carbonleaf.net]

Subject: RE: Speaker @ IECA Meeting - May 2

Attachments: Mandy Gunasekara Bio.doc

Marnie, thank you for the information. My bio is attached.

Look forward to seeing you soon! Mandy

From: Marnie Satterfield [mailto:MSatterfield@carbonleaf.net]

Sent: Wednesday, April 12, 2017 2:18 PM

To: Gunasekara, Mandy < Gunasekara. Mandy@epa.gov>

Subject: Speaker @ IECA Meeting - May 2

Good Afternoon Mandy:

Congrats on the new job! Thank you for agreeing to be a speaker at our upcoming IECA biannual meeting on <u>Tuesday</u>, <u>May 2, 2017 from 10:00 AM to 10:40 AM ET</u>, including Q&A, on EPA's agenda for 2017. The meeting will be held at Le Meridien Arlington (1121 19<sup>th</sup> Street North, Arlington, VA 22209, 703-351-9170, logistics page attached).

Two items of note: 1) Please send me your current bio, and 2) If you will be using a PowerPoint, you can send that to me by <u>COB on Friday, April 28</u>.

Let me know if you have any questions. We look forward to hearing from you!

Best,

#### **Marnie Satterfield**

Senior Government Affairs Manager Industrial Energy Consumers of America (IECA) 1776 K Street, NW, Suite 720 Washington, DC 20006 (O) 202-223-1420 (C) 703-350-7859 msatterfield@ieca-us.org www.ieca-us.org

The Industrial Energy Consumers of America is a nonpartisan association of leading manufacturing companies with \$1.0 trillion in annual sales, over 2,300 facilities nationwide, and with more than 1.6 million employees worldwide. It is an organization created to promote the interests of manufacturing companies through advocacy and collaboration for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets. IECA membership represents a diverse set of industries including: chemical, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, pharmaceutical, building products, automotive, brewing, independent oil refining, and cement.

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 4/11/2017 7:24:21 PM

To: Paul Bailey [pbailey@americaspower.org]

Subject: Re: VM

```
Ok- great

Sent from my iPhone

> On Apr 11, 2017, at 3:24 PM, Paul Bailey <pbailey@americaspower.org> wrote:

> I'll call you later this afternoon
> Sent from my iPhone
> >
```

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 4/14/2017 7:07:00 PM

**To**: Prandoni, Chris (Lee) [Chris\_Prandoni@lee.senate.gov]

**Subject:** Re: They may write about this. You guys could possibly influence their story.

Thank you! I hope all is well

Sent from my iPhone

On Apr 14, 2017, at 2:58 PM, Prandoni, Chris (Lee) < Chris Prandoni@lee.senate.gov > wrote:



# Christopher Prandoni (@ChrisPrandoni)

4/14/17, 1:48 PM

@Timothy Cama @bradplumer Todd Stern's Declaration: globalwarming.org/wp-content/upl....

Download the Twitter app

Sent from my iPhone

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 3/25/2017 12:11:23 AM

To: Clint Woods [cwoods@csg.org]

Subject: RE: Thanks!

Thanks, Clint. You've got a great group of folks and I'm glad we were able to touch base for a few minutes.

From: Clint Woods [mailto:cwoods@csg.org]

Sent: Friday, March 24, 2017 5:10 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Subject: Thanks!

Mandy,

Thanks so much for the time on Wednesday – Our folks really appreciate it, especially during a crazy week.

Here's some <u>background info</u> on one item we discussed. Our next leadership call is tentatively scheduled for 2:00 on April 20.

Have a great weekend, and don't hesitate to call if we can be helpful.

Clint Woods
Executive Director
Association of Air Pollution Control Agencies
1776 Avenue of the States
Lexington, KY 40511
859.244.8040 – office
cwoods@csg.org
http://www.cleanairact.org

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 3/27/2017 11:00:50 PM

To: Holland, Luke (Inhofe) [Luke\_Holland@inhofe.senate.gov]

Subject: Re:

I'll send you something in a bit-- getting babies ready for bed. Then I'll be back online and can help!

Sent from my iPhone

On Mar 27, 2017, at 2:40 PM, Holland, Luke (Inhofe) < Luke Holland@inhofe.senate.gov > wrote:

Hey there!

Hope EPA is going well!

Do you by chance have an updated copy of the EO? © Using only for internal purposes, promise!

Thanks,

Luke

\_\_\_

#### Luke Holland

Chief of Staff
Office of Senator James M. Inhofe
205 Russell Senate Office Building
Washington, DC 20510
(202) 224-4721
(202) 228-0380 (fax)

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 4/10/2017 3:11:31 PM

To: Debbie Hohlt [debbie@hohlt.com]; Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]

CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]

Subject: RE: Dept of Environmental Quality POC

Thank you, Debbie.

From: Debbie Hohlt [mailto:debbie@hohlt.com]

**Sent:** Monday, April 10, 2017 11:10 AM **To:** Bennett, Tate <Bennett.Tate@epa.gov>

**Cc:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>

Subject: Re: Dept of Environmental Quality POC

# bpigott@idem.in.gov

Bruno Pigott is the Commissioner

From: "Bennett, Tate" < <u>Bennett, Tate@epa.gov</u>>
Date: Monday, April 10, 2017 at 10:26 AM
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To: "Hohlt, Debbie" < debbie@hohlt.com>

Cc: "Gunasekara, Mandy" < Gunasekara, Mandy@epa.gov>, "Lyons, Troy" < iyons.troy@epa.gov>

Subject: Dept of Environmental Quality POC

Hi Debbie! NOT related to our visit ©, but do you mind passing along the best contact information for your head of DEQ in IN to Mandy (cc'd)? She just has a technical questions or two for them on an air issue.

Thanks!

Tate

Elizabeth Tate Bennett Senior Advisor to the Administrator Congressional and Intergovernmental Affairs Office of the Administrator U.S. Environmental Protection Agency

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

Sent: 4/1/2017 4:04:42 PM
To: diffell@wtppgroup.com
Subject: Fwd: Steel mills/Sterling

Sent from my iPhone

Begin forwarded message:

From: "Gunasekara, Mandy" < <u>Gunasekara.Mandy@epa.gov</u>>

**Date:** March 31, 2017 at 12:50:08 PM EDT **To:** "Lewis, Josh" < <u>Lewis.Josh@epa.gov</u>>

Cc: "Nam, Ed" < nam.ed@epa.gov >, "Dunham, Sarah" < Dunham.Sarah@epa.gov >, "Schwab,

Justin" < schwab.justin@epa.gov > Subject: RE: Steel mills/Sterling

Thanks for getting this together, but this doesn't convince me why the ventilation study is necessary. I understand that we have the authority to do this, but I'm not convinced we should in this instance, especially since the company has indicated that they are incompliance with their Title V permit and presented evidence of that to all the folks involved. Either way this warrants additional thought and discussion.

In the meantime, let's do the following: Post-pone the April 1 deadline to a time that will be set (if warranted) in two weeks. Let me know what else, if anything, you need from my end to make this happen. For awareness Ryan and Justin has been briefed on this. I touched base with David Cozad and Phil Brooks. Phil said he would reach out to Sarah B (?) in region 5.

<!--[if !supportLists]-->- <!--[endif]-->Let's find a time to discuss further next week.

<!--[if!supportLists]-->- <!--[endif]-->In two weeks, we'll meet again to determine the path forward on the ventilation study and (if warranted) set a reschedule date. I understand it takes the company 3 to 4 weeks to prepare for these types of studies, so the reschedule date will be considerate of that.

For next week, I've got time later Monday or Tuesday afternoon.

Thanks,

Mandy

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 3/27/2017 10:43:15 PM

**To**: Holland, Luke (Inhofe) [Luke\_Holland@inhofe.senate.gov]

CC: Price, Wendi (Inhofe) [Wendi\_Price@inhofe.senate.gov]; Letendre, Daisy (Inhofe)

[Daisy\_Letendre@inhofe.senate.gov]; Hager, Nicole (Inhofe) [Nicole\_Hager@inhofe.senate.gov]; Wright, Jennie

(Inhofe) [Jennie Wright@inhofe.senate.gov]

**Subject**: Re: Photo of the boss with a snowball...

I got it from Surya. A constituent had sent it to his boss from this group: <a href="http://www.republicen.org/snowball">http://www.republicen.org/snowball</a> I bet they have extras!

Sent from my iPhone

On Mar 27, 2017, at 6:38 PM, Holland, Luke (Inhofe) < Luke Holland@inhofe.senate.gov> wrote:

Yes – looping in Mandy. Mandy – do you know where we could get more of those great cards you had? Who gave it to you?

From: Price, Wendi (Inhofe)

Sent: Monday, March 27, 2017 6:19 PM

To: Letendre, Daisy (Inhofe) < Daisy Letendre@inhofe.senate.gov>; Hager, Nicole (Inhofe)

< Nicole Hager@inhofe.senate.gov>; Wright, Jennie (Inhofe) < Jennie Wright@inhofe.senate.gov>;

Holland, Luke (Inhofe) < Luke Holland@inhofe.senate.gov>

Subject: FW: Photo of the boss with a snowball...

I have no idea what Kay is talking about. Do one of you have copies? If we don't, can you check with Mandy?

From: Cutter, Kim (Inhofe)

Sent: Monday, March 27, 2017 6:15 PM

To: Price, Wendi (Inhofe) < Wendi Price@inhofe.senate.gov>

Subject: Photo of the boss with a snowball...

Kay called asking for 5-10 copies of a red, square card that has a picture of the boss with the snowball on the Senate floor. She seems to think you may have extra copies someplace. She'd like Jim to bring them home with him.

From: Gunasekara, Amanda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 3/23/2017 7:42:08 PM

To: Bodine, Susan (EPW) [Susan\_Bodine@epw.senate.gov]; brian\_clifford@epw.senate.gov

Subject: FW: Dear Colleague - Paris Agreement Letter to POTUS

Attachments: image002.jpg

FYI – in case you haven't seen what the House is doing.

Begin forwarded message:

From: "Marohl, Chris" < <a href="mailto:Chris.Marohl@mail.house.gov">Chris.Marohl@mail.house.gov</a>>

Date: March 23, 2017 at 2:48:05 PM EDT

Subject: Dear Colleague - Paris Agreement Letter to POTUS

# Sign Condition Letter for U.S. Remaining in the Paris Agreement

Dear Colleague,

Please join me in signing the letter below to address imperative conditions which must be met for the United States to remain in the Paris Agreement. We must ensure the Agreement works for the American people and utilize our seat at the table to prevent harmful policies which undermine economic growth and energy security here and abroad.

If you have any questions or would like to join the letter, please contact Chris Marohl in my office at <a href="mailto:Chris.Marohl@mail.house.gov">Chris.Marohl@mail.house.gov</a>. The deadline to sign onto the letter is **COB Monday**, **March 27**, we apologize for the quick turnaround time, but count on your support.

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Kevin Cramer			

Member of Congress

Dear President Trump,

As you contemplate your actions related to the Paris Agreement we would like to share with you the following conditions we believe should be met if the United States of America is to remain a party to the Agreement.

As you know, President Obama pledged a 26 to 28 percent reduction in U.S. greenhouse gas emission by 2025, compared to a 2005 baseline. This target would cause irreparable harm to our

economy, particularly our manufacturing and energy sectors, and should be rejected. A recent report by the American Council for Capital Formation, for example, found achieving this pledge would reduce our gross domestic product by \$250 billion by 2025 and reduce economy-wide employment by 2.7 million jobs.

In response, the U.S. should present a new pledge that does no harm to our economy. Unlike President Obama's opaque process to determine his pledge, the determination should be transparent, reflect a range of economic scenarios, and take in adequate input from the private sector and other interested parties. We should showcase the energy security, consumer, and emission benefits produced by the shale revolution and emphasize the importance of baseload power generation, including highly efficient and low emission coal-fired and nuclear power plants, to grid reliability. We must include plans to drive technology innovation to help ensure a future for fossil fuels within the context of the global climate agenda.

The U.S. should not make additional transfers to the Green Climate Fund. The Obama Administration gave \$1 billion to this Fund, including a \$500 million payment shortly before your Inauguration. Given this investment, we shouldn't relinquish our seat on the Green Climate Fund. We should use our power to veto any projects deemed wasteful and harmful to global energy security efforts and poverty eradication objectives in the developing world.

Lastly, the U.S. should use its seat at the Paris table to defend and promote our commercial interests, including our manufacturing and fossil fuel sectors. Our engagement must prevent the development of harmful policies which undermine economic growth and energy security here and abroad. We should work closely with our allies to develop, deploy, and commercialize cleaner technologies to help ensure a future for fossil fuels within the context of the global climate agenda, including support for the deployment of highly efficient and low emission coal, as well as carbon capture, utilization, and storage technologies, in global markets.

Thank you for your genuine consideration of these conditions we believe must all be met in order to make the Paris Agreement work for the American people.

Sincerely,

Kevin Cramer Member of Congress

From: Gunasekara, Amanda [gunasekara.amanda@epa.gov]

 Sent:
 3/20/2017 11:34:53 PM

 To:
 scott.mason@hklaw.com

Subject: Contact Info

Sent from my iPhone

From: Gunasekara, Amanda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]

**Sent**: 3/23/2017 7:28:17 PM

**To**: Gunasekara, Surya [Surya@mail.house.gov]

Subject: RE: Dear Colleague - Paris Agreement Letter to POTUS

Thanks for heads up.

From: Gunasekara, Surya [mailto:Surya@mail.house.gov]

Sent: Thursday, March 23, 2017 2:53 PM

To: Gunasekara, Amanda <gunasekara.amanda@epa.gov>

Subject: Fwd: Dear Colleague - Paris Agreement Letter to POTUS

FYI - this is happening.

Surya G. Gunasekara Chief of Staff Congressman Renacci (OH-16)

Sent from my iPhone

Begin forwarded message:

From: "Marohl, Chris" < <a href="mail.house.gov">Chris.Marohl@mail.house.gov</a>>

Date: March 23, 2017 at 2:48:05 PM EDT

Subject: Dear Colleague - Paris Agreement Letter to POTUS

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Kevin Cramer Member of Congress